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JOURNAL OF THE SENATE

FOR THE

SEVENTH SESSION

OF

THE GENERAL ASSEMBLY,

OF THE

STATE OF ARKANSAS,

Which was begun and held at the Capitol, in the city of Little Rock, on Monday, the sixth day of November, one thousand eigat hundred and forty-eight, and ended on Wednesday, the tenth day of January, one thousand eight hundred and forty-nine.

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JOURNAL OF THE SENATE.

Monday, November 6th, 1848.

This being the day fixed upon by the constitution of the State of Arkansas, for the meeting of the General Assembly thereof, and a quorum of Senators appearing at their chamber in the State House:

On motion of Mr. Maxwell, Mr. Poindexter was called to the chair, John M. Ross acting as Secretary.

The chair ordered a call of the Senate. The roll being called, the following Senators answered to their names, to wit:

Samuel W. Reyburn, from the counties of Hot Spring, and Montgomery.

George W. Underhill, from the counties of Crittenden and Mississippi.

James E. Mayfield, from the county of Washington.

John B. Dickson, from the counties of Benton and Madison.

Richard C. Byrd, from the counties of Arkansas, Jefferson and Desha.

Samuel L. Austell, from the counties of Saint Francis and Poinsett.

David Maxwell, from the counties of Jackson, White and Conway.

James D. Shaw, from the counties of Searcy and Marion.

John R. Hampton, from the county of Union.

H. P, Poindexter, from the county of Hempstead.

The following Senators elect, appeared, presented their credentials, were sworn into office by Hon. C. C. Scott, Judge of the Supreme Court, and took their seats, to wit:

Robert McCamy, from the county of Washington.

William C. Mitchell, from the counties of Carroll and Newton,

A. A. Simpson, from the counties of Lawrence and Fulton.

James A. Watkins, from the counties of Independence and Izard.

Elisha Burke, from the counties of Phillips and Monroe.

Josiah Gould, from the counties of Bradley, Drew and Chicot.

Andrew J. Armstrong, from the counties of Sevier, Polk and Lafayette.

Henry M. Rector, from the counties of Saline and Perry.

John Williamson, from the counties of Pope and Yell.

William A. McClain, from the county of Johnson.

S. H. Chism, from the counties of Franklin and Scott.

George W. Clarke, from the county of Crawford.

Cyrus W. Wilson, from the counties of Pulaski and Prairie.

Harris Flanagin, from the counties of Ouachita and Clark.

The Chair announced that nominations for President were in order.

Whereupon, Mr. Gould nominated Mr. Byrd.

No other nomination being made, the roll was called, when it appeared that Mr. Byrd had twenty-three votes, and Mr. Hampton had one vote.

Those Senators who voted for Mr. Byrd, are, Messrs, Armstrong, Austell, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson and Wilson—23.

The Senator who voted for Mr. Hampton, is Mr. Byrd.

Whereupon, the chair announced that, Mr. Byrd having received a majority of all the votes given, was duly elected President of the Senate, for, and during the time prescribed by law; and appointed Messrs. Gould and Maxwell to conduct him to the chair.

The President upon taking the chair, returned his sincere thanks to the Senate, for the honor conferred upon him; was sworn into office by Hon. W. H. Field, Judge of the Fifth Judicial Circuit, and entered on the discharge of his duties.

On motion of Mr. Gould, the Senate proceeded to the election of Secretary.

Mr. Austell nominated John M. Ross.

No other nominations being made, the roll was called, when it appeared that John M. Ross had twenty-four votes.

Those Senators who voted for John M. Ross, are Messrs. Armstrong, Austell, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—24.

Whereupon, the President announced that John M. Ross, having received the unanimous vote of the Senate, was duly elected Secretary, for, and during the time prescribed by law; who took the oath of office, and entered on the discharge of his duties.

On motion of Mr. Gould, the Senate proceeded to the election of assistant Secretary.

Mr. Dickson nominated Alexander H. McKisick.

Mr. McClain nominated John S. Houston, and

Mr. Wilson nominated John K. Taylor.

No other nominations being made, the roll was called, when it appeared that John S. Houston had eight votes; Alexander H. McKisick had ten votes, and John K. Taylor had six votes.

Those Senators who voted for John S. Houston, are Messrs. Armstrong, Chism, Clarke, McClain, Rector, Reyburn, Williamson and Mr. President—8.

Those Senators who voted for Alexander H. McKisick, are Messrs. Dickson, Gould, Hampton, Maxwell, Mayfield, McCamy, Mitchell, Shaw, Simpson and Watkins.—10.

Those Senators who voted for John K. Taylor, are Messrs. Austell, Burke, Flanagin, Poindexter, Underhill and Wilson—6.

None of the candidates having received a majority of all the votes given, the President announcod that there was no choice made.

The Senate proceeded to ballot a second time.

The roll being called, it appeared that John S. Houston had eight votes, A. H. McKisick had nine votes, and John K. Taylor had seven votes.

Those Senators who voted for John S. Houston, are Messrs. Armstrong, Chism, Clarke, McClain, Rector, Reyburn, Williamson and Mr. President—8.

Those Senators who voted for A. H. McKisick, are Messrs Dickson, Gould, Maxwell, Mayfield, McCamy, Mitchell, Shaw, Simpson and Watkins—9.

Those Senators who voted for John K. Taylor, are Messrs. Austell, Burke, Flanagin, Hampton, Poindexter, Underhill and Wilson—7.

None of the candidates having received a majority of all the votes given, the President announced that there was no choice made.

The Senate proceeded to ballot a third time.

The roll being called, it appeared that John S. Houston had ten votes; A. H. McKisick had seven votes, and John K. Taylor had seven votes.

Those Senators who voted for John S. Houston, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Rector, Reyburn, Simpson, Williamson and Mr. President—10.

Those Senators who voted for A. H. McKisick, are Messrs. Dickson, Gould, Mayfield, McCamy, Mitchell, Shaw and Watkins—7.

Those Senators who voted for John K. Taylor, are Messrs. Austell, Burke, Flanagin, Hampton, Poindexter, Underhill and Wilson—7.

None of the candidates having received a majority of all the votes given, the President announced that their was no choice made.

The Senate proceeded to ballot a fourth time.

The roll being called, it appeared that John S. Houston had eleven votes; A. H. McKisick had eight votes, and John K. Taylor had 5 votes.

Those Senators who voted for John S. Houston, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Rector, Reyburn, Simpson, Watkins, Williamson and Mr. President—11.

Those Senators who voted for A. H. McKisick, are Messrs. Austell, Dickson, Gould, Hampton, Mayfield, McCamy, Mitchell and Shaw—8.

Those Senators who voted for John K. Taylor, are Messrs. Burke, Flanagin, Poindexter, Underhill and Wilson—5.

None of the candidates having received a majority of all the votes given, the chair announced that there was no choice made.

The Senate proceeded to a fifth ballot.

The roll being called, it appeared that John S. Houston had eleven votes, A. H. McKisick had eight votes, and John K. Taylor had five votes.

Those Senators who voted for John S. Houston, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Rector, Reyburn, Simpson, Watkins, Williamson and Mr. President—11.

Those Senators who voted for A. H. McKisick, are Messrs. Austell, Dickson, Gould, Hampton, Mayfield, McCamy, Mitchell and Shaw—8.

Those Senators who voted for John K Taylor, are Messrs. Burke, Flanagin, Poindexter, Underhill and Wilson—5.

None of the gentlemen having received a majority of all the votes given, the chair announced that there was no choice made.

Mr. Flanagin withdrew John K. Taylor.

The Senate proceeded to ballot a sixth time.

The roll being called, it appeared that John S. Houston had thirteen votes, and A. H. McKisick had eleven votes.

Those Senators who voted for John S. Houston, are Messrs. Armstrong, Burke, Chism, Clarke, Flanagin, Maxwell, McClain, Rector, Reyburn, Simpson, Williamson, Wilson and Mr. President—13.

Those Senators who voted for A. H. McKisick, are Messrs. Austell, Dickson, Gould, Hampton, Mayfied, McCamy, Mitchell, Poindexter, Shaw, Underhill and Watkins—11.

Whereupon, the chair announced that John S. Houston, having received a majority of all the votes given, was duly elected Assistant Secretary of the Senate, for, and during the time prescribed by law; who was sworn into office, and entered on his duties.

Mr. President announced that nominations for doorkeeper were in order.

Whereupon, Mr. McCamy, nominated Hiram Fincher.

Mr. Dickson nominated John S. McIlhaney.

Mr. Chism nominated S. S. Griffith.

Mr. Austell nominated Isaac J. Howard.

Mr. Hamilton nominated James Thompson, and

Mr. Wilson nominated Cornelius Stone.

No other nominations being made, the roll was called, when it appeared that Hiram Fincher had five votes, John S. McIlhaney had one vote, S. S. Griffith had three vote, Isaac J. Howard had eight votes, James Thompson had five votes, and Cornelius Stone had two votes.

Those Senators who voted for Hiram Fincher, are Messrs. Mayfield, McCamy, Mitchell, Shaw and Watkins—5.

The Senator who voted for John S. McIlhaney, is Mr. Dickson—1.

Those Senators who voted for S. S. Griffith, are Messrs. Chism, Clarke and Williamson—3.

Those Senators who voted for Isaac J. Howard, are Messrs. Austell, Flanagin, Maxwell, Rector, Reyburn, Simpson, Underhill and Mr. President—8.

Those Senators who voted for James Thompson, are Messrs. Armstrong, Gould, Hampton, McClain and Poindexter—5.

Those Senators who voted for Cornelius Stone, are Messrs. Burke and Wilson—2.

None of the gentlemen having received a majority of all the votes given, the President announced that there was no choice made.

The Senate proceeded to a second ballot.

The roll being called, it appeared that Hiram Fincher had five votes, John S. McIlhaney had one vote, and S. S. Griffith had one vote, Isaac J. Howard had ten votes, James Thompson had four votes and Cornelius Stone had three votes.

Those Senators who voted for Hiram Fincher, are Messrs. Mayfield, McCamy, Mitchell, Shaw and Watkins—6.

Those Senators who voted for Isaac J. Howard, are Messrs. Austell, Flanagin, Maxwell, McClain, Poindexter, Rector, Reyburn, Simpson, underhill and Mr. President—10.

Those Senators who voted for James Thompson, are Messrs. Armstrong, Gould, Hampton and Williamson—4.

Those Senators who voted for Cornelius Stone, are Messrs. Burke, Clarke and Wilson—3.

The Senator who voted for Mr. McIlhaney, is Mr. Dickson—1.

The Senator who voted for S. S. Griffith, is Mr. Chism—1.

Mr. Dickson withdrew the name of John S. McIlhaney.

Mr. Chism withdrew the name S. S. Griffith, and

Mr. Wilson withdrew the name of Cornelius Stone.

The Senate proceeded to a third ballot.

The roll being called, it appeared that Hiram Fincher had nine votes, Isaac J. Howard had twelve votes, and James Thompson had three votes.

Those Senators who voted for Hiram Fincher, are Messrs. Clarke, Dickson, Mayfield, McCamy, Mitchell, Poindexter, Shaw, Watkins and Williamson—9.

Those Senators who voted for Isaac J. Howard, are Messrs. Austell, Burke, Chism, Flanagin, Maxwell, McClain, Rector, Reyburn, Simpson, Underhill, Wilson and Mr. President—12.

Those Senators who voted for James Thompson, are Messrs. Armstrong, Gould and Hampton.

None of the Gentlemen voted for, having received a majority of all the votes given, the President announced that there was no choice made.

The Senate proceeded to a fourth ballot.

The roll being called, it appeared that Isaac J. Howard had fourteen votes, and Hiram Fincher had ten votes. The name of Mr. Thompson having been previously withdrawn by Mr. Hampton.

Those Senators who voted for Isaac J. Howard, are Messrs. Armstrong, Austell, Burke, Chism, Flanagin, Gould, Maxwell, McClain, Rector, Reyburn, Simpson, Underhill, Wilson and Mr. President—14.

Those Senators who voted for Hiram Fincher, are Messrs. Clarke, Dickson, Hampton, Mayfield, McCamy, Mitchell, Poindexter, Shaw, Watkins and Williamson—10.

The President announced that Isaac J. Howard, having received a majority of all the votes given, was duly elected doorkeeper, for, and during the time prescribed by law; who, thereupon took the oath of office, and entered on the discharge of his duties.

On motion of Mr. Hampton, the Senate took a recess for a few minutes.

The Senate convened.

On motion of Mr. Maxwell the Secretary was ordered to inform the House of Representatives that the Senate was organized, and ready to proceed to business.

Mr. Austell introduced the following resolution:

Resolved, that a select joint committee consisting of two on the part of the Senate, and such number as may be appointed by the House of Representatives, to wait upon his Excellency, the Governor, and inform him that the two Houses have organized, and are now ready to receive any message he may think proper to communicate.

Which was read.

On motion of Mr. Hampton, the resolution was laid on the table for the present.

Mr. Flanagin moved that the rules and joint rules of the last session be adopted for the Government of the Senate temporarily.

Mr. Rector moved to amend the motion by adding "and that said rules and joint rules be read."

The question was taken on Mr. Rector's motion to amend, and it was lost.

The question was then taken on Mr. Flanagin's motion, and it prevailed.

Mr. Underhill introduced the following resolutions:

Resolved, That a committee of three be appointed, whose duty it shall be to invite the Rev. Clergy of this city, to open the sessions of the Senate with prayer.

Which was adopted, and Messrs. Underhill, Watkins and McCamy, appointed said committee.

Mr. Hampton introduced the following resolution:

Resolved, That the President appoint a committee of three, to act with such committee as may be appointed on the part of the House of Representatives, to propose such rules as may be necessary for the joint action of the two Houses of the General Assembly.

Which was read and adopted.

On motion of Mr. Underhill, the vote taken on the adoption of the resolution offered by Mr Hampton, was re-considered.

On motion of Mr. Underhill, the rules were dispensed with, and the resolution was read a second time.

Mr. Flanagin offered the following amendment to the resolution offered by Mr. Hampton:

"And that said committee be authorized to act as a separate committee to prepare rules for the Senate," which was accepted by Mr. Hampton, and, on motion of Mr. Austell, the resolution, as amended, was adopted; and Messrs. Hampton, Flanagin and Mitchell, committee,

On Motion of Mr. Armstrong, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Tuesday November, 7th 1848.

Mr. President ordered a call of tthe Senate; the roll being called, eighteen senators answered to their names.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Journal of yesterday was read and approved.

Mr. Hampton introduced the following resolution.

Resolved, That the editors of the newspapers of the city, be permitted to take seats within the bar, for the purpose of reporting the proceedings of the Senate.

Which was read and adopted.

Mr. Chism introduced the following resolution:

Resolved, That the Secretary of the Senate furnish stationary for the use of the Senate during the present session.

Which was read and adopted.

Mr. McClain introduced the following resolution:

Resolved, That the Secretary of the Senate, procure from the Secretary of State, twenty-five copies of the late revised Code of the Statutes of the State of Arkansas, for the use of the Senate during the present session.

Mr. Gould moved to amend by adding "twenty-five copies of the old Code of the Revised Statutes."

Which amendment was was accepted by Mr. McClain, and the resolution, as amended, adopted.

Message from the House of Representatives by the Clerk:

Mr. President—I am instructed to inform your Honorable body that the House of Representatives have organized by electing Hon. Edward A. Warren, of Ouacita county, Speaker, Joseph M. Tebbets, principal clerk, James Fagan, assistant clerk, and Legrand W. King, doorkeeper; and, are now ready to proceed to business.

J. M. TEBBETTS, *Clerk.*
of the House of Representatves.

On motion of Mr. Austell, the resolution introduced by him, on yesterday, appointing a joint select committee, to wait on the Governor, and inform him that the two Houses have organized, and are ready to receive his message; was taken up, and adopted; and Messrs. Austell and Wilson, appointed a committee on the part of the Senate, and the House of Representatives informed thereof.

Mr. McCamy introduced the following resolution:

Resolved, by the Senate, That the resolutions passed at the last session of the General Assembly, to alter the constitution of this State, be now taken up, and, that the Secretary of State be requested to show that he has published the said resolutions in all the papers in this State.

Which was read.

Mr. Mitchell moved to amend the resolution so as to read as follows:

Resolved, That the President appoint a committee to call on the Secretary of State, for all the newspapers in which were published the resolutions to amend the constitution, adopted by the last General Assembly.

Which amendment was accepted by Mr. McCamy, and the resolution, as amended, was adopted, and Messrs. McCamy, Mitchell and Rector, appointed said committee.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body, that the House of Representatives have concurred in the resolution of the Senate, appointing a selelect joint committee, to wait on the Governor, and inform him of the organization of the two Houses;

and have appointed Messrs. Billingsly, Collins and Berrry, a committee on the part of the House.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Austell, from a joint select committee made the following report.

M. Presitent—The Committee appointed to inform his Excellency, the Governor, of the organization of the two Houses of the General Assembly, have performed that duty, and I am directed to report to the Senate, that his Fxcellency will communicate his annual message to the General Assembly, at fifteen minutes after 10 o'clock, A. M., to-day.

S. L. AUSTELL,

Mr. Underhill introduced the following resolution.

Resolved, That the House of Represen tives be notified that the Senate are ready to meet that body in the Hall of Representetives, to-day, at 10 o'clock, to receive the Governor's message.

Mr. Austell moved to amend the resolution by inserting, after the word "at," in the fourth line, the words, "fifteen minutes after."

Which amendment was accepted by Mr. Underhill, and the resolution, as amended, was adopted.

On motion of Mr. Flanagin, the Senate took a recess until half after 10 o'clock, A. M.

At half past 10 o'clock, A. M., the Senate convened.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body, that the House of Representatives have adopted the following resolution:

Resolved, That the Senate be informed that the House will receive the Senate, to hear the Governor's message, at half past ten o'clock, this day, to which the concurrence of your Hon. body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House Representativees.

On motion of Mr. Flanagin, the resolution of the House was concurred in by the Senate.

Mr. McCamy, from a select committee, made the following report.

Mr. President—The select comittee appointed to call on the Secretary of State, and obtain from him a certificate to the effect that the proposed amendments to the constitution, have been duly published according to the requisitions of the law, have performed that duty, and have the honor to present the same as a part of this report.

McCAMY, *Chairman.*

OFFICE OF THE SECRETARY OF STATE,
LITTLE ROCK, *7th Nov.*, 1848.

I do certyfy that the proposed amendments to the constitution were published in all the newspapers in the State, and as required by the provisions or the constitution.

D. B. GREER, *Secretary of State.*

Which report was read.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body, that the House of Representatives is now in readiness to receive the Senate for the purpose of hearing the Governor's message read,

J. M TEBBETTS, *Clerk*
of the House of Representatives.

The Senate repaired to the Hall of the House of Representatives, and, being seated, J. M. Curran, Esq., appeared within the bar of the House, and read the annual message of his Excellency, the Governor.

After the reading of the Message, the Senate withdrew to their chamber.

On motion of Mr. Underhill, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Wednesday, November 8th, 1848.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, twenty-one Senators answered to their names.

The Journal of yesterday was read and approved.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your Hon. body, that the House of Representatives have concurred in the resolution of the Senate, appointing a committee to propose such rules as may be necessary for the joint action of the two House of the General Assembly.

The committee on the part of the House, are, Messrs. Stirman, Izard, Trapnall, Smith and Mitchell.

J. M. TEBETTS, *Clerk*
of the House of Representatives.

Mr. Williamson introduced the following resolution:

Resolved, by the Senate, That the Secretary of the Senate procure the printing of —— copies of the Governors message, with the accompanying documents, for the use of the Senate.

Which was read.

Mr. Williamson moved to fill the blank with 500.

Mr. Hampton moved to fill it with 800.

Mr. Chism moved to fill it with 1000.

Mr. Watkins moved to fill it with 500, and add 500 copies, without the accompanying documents.

Mr. McClain moved to fill it with 300.

The question was taken on Mr. Chism's motion to fill the blank with 1000, and it was lost.

The question was then taken on Mr. Hampton's motion to filll the blank, and it was lost.

The queston was then taken on Mr. Williamson's motion to fill the blank with 500, and carried, and the resolution, as amended, adopted.

Mr. Clark introduced the following resolution:

Resolved, That all the editors of the State, or other properly authoized reportors, be permitted to take seats within the bar, for the purpose of reporting the proceedings of the Senate.

Which was read and adopted.

Mr. Underhill introduced the following resolution:

Resolved, That the Secretary of the Senate have the public printing done for the Senate, by the lowest bidder, until the public printer is elected.

Which was read and adopted.

Mr. Williamson introduced the following resolution:

Resolved, by the General Assembly of the State of Arkansas, That the members of the two Houses meet in convention in the Representative Hall, on Friday next, at 11 o'clock, A. M., for the purpose of electing one United States Senator to fill out the unexpired term of the Hon. A. H. Sevier; and one Senator for the term of six years, from the 4th of March next; and, also, one Senator to fill out the unexpired term of the Hon. Chester Ashley, deceased; and, that the House of Representatives be asked to concur therein.

Which was read, and laid over one day under the rule.

Mr. Watkins introduced the following resolution:

Resolved, That the Secretary be requested to call on the Secretary of State, for twenty-five copies each of the Journals and Acts of the last session of the Legislature, and Decisions of the Supreme Court, for the use of the Senate.

Which was read.

Mr. Hampton moved to amend the resolution, by striking out "and Decisions of the Supreme Court, for the use of the Senate."

Which amendment was accepted by Mr. Watkins, and the resolution, as amended, was adopted.

Mr. Hampton, from a joint select committee, made the following report.

M. President—The joint committee, appointed to report rules and joint rules for the government of the General Assembly, have instructed me to propose the rules and joint rules adopted by the last General Assembly of this State, witnout alteration, and which are hereto appended.

HAMPTON, *Chairman.*

Which was read, and adopted.

Rules for conducting business in the Senate of the State of Arkansas.

1. The President shall take the chair every day, at the hour to which the Senate shall have been previously adjourned; and on taking his seat, call the Senate to order; and, if there be a quorum present, the President shall, or any two members may, have a call of the Senators, and if there be any absent, the President, or any two members, can have the absent member sent for.

2. When a majority of the members present shall deem it necessary, they shall have power to send the Sergent-at-Arms, or any other person, or persons, they may think proper, to compel the attendance of such absent member or members.

3. A majority of the members of the Senate shall constitute a quorum to do business; but a less number may meet and adjourn from day to day.

4. Each morning, so soon as there be a quorum present, the President shall cause the Secretary to read the Journal of the preceding day, that the same, if there are any errors, may be amended.

5. No member shall absent himself from the Senate, without leave, unless he be sick, or unable to attend.

6. Every member, when he speaks, shall address the President, standing in his place, and shall avoid personalities, and when he has finished, shall sit down.

7. No member shall speak more than twice to any one question, motion, resolution or bill, without leave of the Senate: except a bill be amended, and then he may speak to the amendment.

8. When two members rise at the same time, the President shall name the person to speak; but in all cases, the member who shall first rise and address the President, shall speak first.

9. When a member shall be called to order by the President or a Senator, he shall sit down, unless permitted to explain; and every question of order, shall be decided by the President without debate, subject to an appeal to the Senate; and the President may call for the voice of the Senate; on any question of order. If there be no appeal, the decision of the chair shall be submitted to. If the

decision be in favor of the member called to order, he shall be at liberty to proceed; in case any member object, he shall not proceed without leave of the Senate.

10. If the member be called to order for words spoken in debate, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge whether they are exceptionable or not.

11. No member shall call for the yeas and nays, after the same has been declared a vote, by the President.

12. No member in the minority of any vote declared, shall have the right to move for a re-consideration; provided, said move is made that day, or the day following.

13. Any member may excuse himself from serving on a committee, if at the time of his appoincment, he shall be the member of three committees.

14. It shall be the duty of the President to preserve order; and he shall have the privilege to rise and speak to all questions of order, in preference to any other member of the Senate, and shall decide all questions of order, subject to an appeal to the Senate.

15. Every member present, within the bar, when a vote upon any subject or question is taken, shall vote, unless excused by the Senate; unless he be interested, and then he shall not be permitted to vote.

16. When a motion is made and seconded, it shall be reduced to writing, if desired by the President, or any member of the Senate; if not in writing, it shall be stated to the Senate by the President; if in writing, it shalf be read aloud by the Secretary, previous to the vote being taken thereon.

17. When a motion is stated by the President, or read by the Secretary, it shall be deemed to be in the possession of the Senate; but may be withdrawn at any time before a decision or amendment, by the consent of the Senate.

18. A motion to adjourn shall be always in order; (unless it be in the committee of the whole;) that, and the motion to lie on the table, shall be decided without debate.

19. No motion or proposition, on a subject different from that under consideration, shall be admitted under color of an amendment.

20. When a question is before the Senate, no motion shall be received, unless it shall be for the previous question, to postpone, commit, amend the main question, or adjourn. All questions shall be decided in the order they are moved, unless in the filling of blanks, the largest sum and longest time shall be first put.

21. All questions shall be put in this form, to-wit: "you who are of the opinion (as the case may be) say yea; of a contrary opinion say no;" and in doubtful cases, the President may direct or any member present, may call for a division.

22. The previous question shall be put in these words, to-wit: "shall the main question be now put." It shall be admitted only upon the demand of two members, and until decided, shall preclude all amendment, and further debate, on the main question.

23. Any member shall have the right to call for a division of the question; but the Senate shall have the right to determine, wheth- the question admits of a division or not.

24. In all cases of ballot by the Senate, and on questions where the yeas and nays are called for, the President shall vote, he being the last in voting.

25. All committees shall be nominated by the President, unless otherwise determined by the Senate; in which case they shall be selected by ballot, and if there are not a sufficient number elected on first ballot, the Senate shall proceed to a second ballot, and proceed to ballot until there are a sufficient number to be determined in such case by the Senate. Any member shall have the right to move, that a Senator that he believes would be an advantage to a committee, be added thereto; but the Senate shall have the right to determine, whether he be added or not.

26. No committee shall sit during the sitting of the Senate, without special leave first had and obtained from the Senate.

27. In forming a committee of the whole, the President shall leave the chair, and appoint a chairman to preside.

28. The rules of proceeding in the Senate, shall be observed in committee of the whole, as far as they may be applicable; but no member's name shall be entered on the Journal, who moves to amend a bill in committee of the whole; nor shall the yeas and nays be called for and entered upon the Jotrnal, for it is but the proceedings of a committee, and not of the Senate. No previous question can be put in this committee; nor can this committee adjourn as others may; but if their business is unfinished, they rise on a question, the Senate is resumed, and the chairman reports that the committee of the whole, have, according to order, had under consideration, such a motion, and have made progress therein; but not having time to go through the same, have directed him to ask leave to sit again; whereupon the question is put, upon their having leave, and the time when the Senate will again resolve itself into the committee of the whole; but if the committee have completed the business referred, a member moves that the committee arise, and that the chairman report the proceedings of the committee to the Senate. The chairman then states that the committee have completed the business referred to them, and that he is ready to make report, when the Senate shall think proper to receive it.

29. In all cases, the whole bill, resolution, paper, or address, is to be read, and then the Secretary shall read it by paragraphs, pausing at the end of each, for amendments, until the whole has

been read; then the question is put, on the whole agreeing to it, as amended or unamended. The bill not to be interlined or defaced, but all amendments, noting the page and line, shall be duly entered by the Secretary) on a separate paper, as the same may be agreed to, by the committee, and so reported to the Senate, after report, the bill shall again be subject to be debated, and amended by clauses, before a question to engross it be taken.

30. When a vote is once passed in this committee, it cannot be altered, but by the Senate, their votes being binding on themselves.

31. A majority of all committees constitutes a quorum to do business, and have full power over the bill or paper referred, except they cannot change the title, or subject.

32. Every bill originating in the Senate, shall be introduced by the leave of the Senate, or by order of the Senate. And every bill so introduced, shall be read on three different days, unless two-thirds of the Senate, when the same is pending, shall suspend the rules thereof; nor shall any bill pass the Senate without having been read three several times.

33. The first reading of the bill, shall be for information; and, if objections be made to it, the question shall be, "shall the bill be rejected?" If no objections be made, and the question to reject be lost, the bill shall go to its second reading without a question.

34. Upon the second reading of a bill, the President shall state that it is ready for commitment or engrossing; and, if committed, then the question shall be, whether to a select committee; a standing committe, or to a committee of the whole. If to the committee of the whole, then the Senate shall determine on what day; but if the bill be ordered to be engrossed, the Senate shall appoint the day, upon which it shall be read a third time.

35. A bill, after commitment on report thereof, may be committed at any time before its passage.

36. If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the Senate.

37. Every order, resolution or vote, to which the concurrence of the House of Representatives shall be necessary, shall be read to the Senate, and laid on the table on a day preceding that in which the same shall otherwise expressly allow.

38. No standing rule of the Senate shall be revised or amended, without one day's notice be given of the motion thereof. And then not without the concurrence of two-thirds of the Senate.

39. Whenever any officer, civil or military, shall be appointed by the joint or concurrent vote of both Houses, or by the separate vote of the Senate, the vote shall be taken *viva voce*, and entered in the journal.

40. Whilst the President is putting any question, or addressing the Senate, no Senator shall walk out, or across the Senate; nor whilst a member is speaking, pass between him and the President.

41. The person first named on each committee, shall be the

chairman of that committee; until otherwise determined by the committee, and the Secretary shall deliver all papers referred to that committee to him.

42. All the proceedings of the Senate, when not acting in committee of the whole, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall also be inserted on the Journal.

43. The President of the Senate, shall, at the commencement of each session, appoint the following committees, to consist of such number as he or the Senate may deem necessary, on each committee, with leave to report by bill or otherwise, to-wit:—

On the Judiciary,
On Auditor's and Treasurer's books,
On Public Buildings,
On the Militia,
On Banks.
On Education,
On Internal Iimprovements.
On Ways and Means,
On Counties and County Lines,
On Agriculture,
On Apportionment, (every four years)
On Public Roads,
On Enrolled Bills,
On Elections,
On the Penitentiary,
On Public Printing.

44. The business of the day:

1. The members are called.
2. The Journal is read.
3. Petitions from counties, "will be in order."
4. Memorials will be in order.
5. Motions and Resolutions will be in order.
6. Reports from Standing Committees will be in order.
7. Reports from Select Committee will be in order.
8. The introduction of bills for which notice has been previously given.
9. Bills from the House of Representatives, and those introduced on leave, which have been read a first time and read a second time.
10. Engrossed bills and the third reading are put upon their passage.

45. On a motion to strike out and insert, it shall not be in order to move for a division of the question, but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor pre-

vent a subsequent motion, simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

46. It shall always be in order for the Committee on Enrolled Bills, to report.

47. Messsages may always be introduced except while a question is being put; or while the yeas and nays are taking.

Joint Rules of the Senate and House of Representatives.

1. When the business requires the attendance of the Senate in the Representative Chamber, they, with the Clerk, shall be conducted within the bar, and there seated.

2. When a message shall be sent by the Senate to the House of Representatives, it shall be announced at the door, by the doorkeeper, be respectfully communicated to the Speaker by the person by whom it may be sent, and a copy thereof deposited at the Clerk's table.

3. The same ceremony shall be observed when a message is sent by the House of Representatives to the Senate.

4. Messages to either House shall be conveyed by the Secretary of the Senate, or Clerk of the House of Representatives.

5. After a bill shall have passed the House, it shall be enrolled by the Clerk of that in which it originated.

6. When bills are enrolled, they shall be examined by a joint committee, consisting of three members from the House of Representatives, to be appointed as a standing committee for that purpose, whose duty it shall be to compare the enrolled with the engrossed bill, as passed by the two Houses, correct any errors that may be discovered, and report forthwith to their respective Houses, stating such errors as may be corrected by them.

7. After examination and report, each bill shall be signed by their respective Houses, first by the Speaker of the House of Representatives, and then by the President of the Senate.

8. After a bill shall have been signed by the Speaker of the House of Representatives and the President of the Senate, it shall be delivered by the joint committee of enrollment, to the Governor, and report to each House, respectively, the day on which such bill or bills were delivered, which report shall be entered on the journal.

9. When amendments are proposed to a bill in one House, and dissented to in the other, if either House requests a conference, and appoints a committee for that purpose, the other shall also appoint a committee for the same purpose; and such committee shall, at a convenient time, to be named by the chairman, meet and state to each other, verbally or in writing, the reasons for and against the amendment, and report to their respective Houses the result of their deliberations.

10. Committees of conference may be appointed in any disa-

greement of opinion subsisting between the two Houses, at the request of either House.

11. When a committee is appointed to report a bill to either House, advice thereof shall be communicated to the other House.

12. The Clerk of either House, if directed by the House, shall deliver a copy of each bill, after its first reading, to the public printer, who shall print copies thereof for the use of the members.

On motion of Mr. Rector, the report of the select committee, made on yesterday, by Mr. McCamy, on the constitutional amendments, was taken up, read, and adopted.

Mr. Gould asked and obtained leave to introduce a bill to be entitled "An act to establish the county of Worth."

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, the bill read a second time, and referred to a select committee, consisting of Messrs. Gould, Hampton, Flanagin, Reyburn and Maxwell.

Mr. Gould presented three petitions, signed by 223 citizens of Drew county, praying a division of said county, and the erection of the county of Worth, which were referred to the same select committee to whom were referred the bill to establish the county of Worth.

Mr. Poindexter introduced the following resolution:

Resolved, by the two Houses of the General Assembly, That the rules of order adopted for the government of the Senate; the joint rules, and those for the government of the lower House, be printed; one copy for each member of the General Assembly.

Which was read.

On motion of Mr. Poindexter, the rules of the Senate were dispensed with, the resolution read a second time, adopted, and transmitted to the House of Representatives for their concurrence.

Mr. McClain gave notice, that, on Mnday next, he would introduce a bill to authorize the Judges of the Probate Court, in their respective counties, to authorize Administrators to use discretionary power in certain cases.

Mr. Clarke gave notice, that, on to-morrow, he would introduce a bill to be entitled "An act to change the name of Josephine Gwinn, to the name of Josephine Maxey, and to constitute her a lawful heir to the estate of John Maxey, and Olivia C. Maxey, his wife.

Mr. Williamson moved to take up the resolutions adopted by the last General Assembly, proposing amendments to the Constitution of the State.

Which motion prevailed.

Mr. Hampton moved to refer the resolutions; the newspapers containing the evidence of publication, and the certificate of the

Secretary of State, accompanying the report of the select committee, on yesterday, to a select committee.

Mr. Rector offered the following resolution, as an amendment to the motion of Mr. Hampton.

Resolved, That the President of the Senate appoint a select committee of *three*, to make an investigation, in a critical manner, as to whether the mode prescribed by law for the amendment of the Constitution, had been strictly complied with, as in reference to the amendments now proposed, concerning Judges, &c.

Which was read and adopted; and the whole referred to a select committee consisting of Messrs. Rector, Hampton, and Underhill.

On motion of Mr. Rector, Mr. McClain was added to said committee.

Message from the House of Representatives by their clerk.

Mr. President—I have the honor to inform your Hon. body, that the House of Representatives have adopted the following resolution:

Resolved, That the Senate be requested to unite with this House, in this Hall, at such time as is agreeable to them, and proceed to examine, and cast up, the vote given for the Governor, agreeably to the 3d Section of the 5th Article of the Constitution.

In which, the concurrence of your Hon. body, is respectfully asked. J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Which was, on motion of Mr. Williamson, taken up and read.

Mr. Williamson moved to amend the resolution of the House, by saying "to-day, at 3 o'clock."

Mr. Poindexter moved to amend the amendment offered by Mr. Williamson, by striking out "3," and inserting 1 o'clock, which amendment was adopted, on motion of Mr. Underhill, and the House of Representatives informed thereof.

Mr. President announced the following standing committees:

Standing Committees in the Senate.

On the Judiciary, Messrs. Austell, Gould, McClain, Rector and Flanagin.

Auditor and Treasurer's Books, Messrs. Rector, Dickson, Williamson, Underhill and Hampton.

Public Buildings, Messrs. Mayfield, Watkins and Poindexter.

Militia, Messrs. Evans McClain and Reyburn.

Banks, Messrs. McClain, Poindexter, Wilson, Reyburn and Gould.

Education, Messrs. McCamy, Dickson, Burke, Austell and Poindexter.

Internal Improvements, Messrs. Hampton, Simpson, Clarke, Unhill and Armstrong.

Ways and Means, Messrs. Gould, Williamson, McCamy, Burke and Wilson.

Counties and County Lines, Messrs. Clarke, Shaw, Chism, Rector and Mayfield.

Agriculture, Messrs. Rayburn, Maxwell, Clarke, Flanagin and Rector.

Public Roads, Messrs. Williamson, Chism, Watkins, Shaw and Mitchell.

Enrolled Bills, Messrs. Austell, Watkins, Chism, Maxwell and Simpson.

Penitentiary, Messrs. Maxwell, Reyburn, Mayfield, Wilson and Clarke.

Elections, Messrs. Burke, Hampton, Simpson, Underhill and Armstrong.

Claims, Messrs. Simpson, McCamy, Shaw, Poinaexter and Wilson.

Memorials, Messrs. Watkins, Williamson, Dickson, Evans and Austell.

Public Expenditures, Messrs. Underhill, Flanagin, Poindexter, Hampton and Mitchell.

Public Printing, Messrs. Underhill, Hampton, Rector, Poindexter and Clarke.

Mr. Hampton introduced the following resolution:

Resolved, by the Senate aud House of Representatives, That a joint committee of three on the part of the Senate, be appointed, to act with such committee as may be appointed on the part of the House of Representatives, to enquire into, and ascertain, how far the objects contemplated by an act, passed at the last session of the General Assembly, entitled "An act to provide for revising and digesting the Statute Laws of Arkansas," have been accomplished, and the terms upon which the printing and binding, have been obtained.

Which was read and laid over one day under the rule.

Mr. Chism gave notice that, on to-morrow, he would introduce a bill to allow the sale of as small quantities as forty acres of the 500,000 acres, donated to the State of Arkansas by the General Government.

Mr. McClain introduced the following resolution:

Resolved, That the Secretary of the Senate procure from the Secretary of State, a certified copy of resolutions adopted by the last General Assembly, proposing amendments to the Constitution of the State, and that said certified copy be placed in the hands of the chairman of the select committee to whom were referred the newspapers in which said resolutions were published.

Which resolution was read and adopted.

Mr. Wilson introduced the following resolution:

Resolved, That, when the Senate adjourn on each day, that the adjournment be to nine oclock, on the ensuing day, unless otherwise ordered.

Which was read.

Mr. Poindexter moved to amend the resolution by striking out "nine o'clock" and inserting "ten o'clock."

Which amendment was accepted by Mr. Wilson.

The question was then taken on the adoption of the resolution, and was lost.

Message from the House of Representatives by their clerk:

Mr. President—I am instructed to inform your Hon. body that the House have concurred in the resolution with regard to the time of the convention of both Houses, for the purpose of counting the votes for Governor; but have passed a resolution fixing the hour for the convention of both Houses at 12 o'clock, M., this day, in which, the Senate is respectfully asked to concur.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Maxwell, the message was taken up, read, and the resolution of the House concurred in by the Senate, and the House informed thereof.

On motion of Mr. Gould, the Senate took a recess until 12 o'clock, M.

At 12 o'clock M., the Senate convened.

Message from the House of Representatives by their clerk:

Mr. President—I am instructed to inform your Hon. body that the Hall of the House of Representatives, is now in readiness to receive the Senate, for the purpose of counting the votes for Governor.

J. M. TEBBETTS, *Clerk*
of theHouse of Representatives.

The Senate repaired to the Hall of the House of Representatives, and, being seated, the Speaker announced that the two Houses had met in convention for the purpose of counting the votes for governor, cast at the last general election.

Whereupon, the Speaker proceeded to open the returns, and the clerk to proclaim the result in each county.

The following is the result of said election for Governor, to-wit:

In Arkansas county, Thomas S. Drew received 101 votes.

In Bradley county, Thos. S. Drew received 192 votes; Lorenzo Gibson, 19 votes; C. F. Noland, 1 vote, and M. W. Dorris, 24 votes.

In Benton county, Thos. S. Drew received 472 votes.

In Conway county, Thos. S. Drew received 308 votes; Robert Wilson, 7 votes; Jonathan Logan, 11 votes, and Lorenzo Gibson, 29 votes.

In Crawford county, Thos. S. Drew received 860 votes, and Jacob S. Gross, 38 votes.

In Carroll county, Thos. S. Drew received 577 votes.

In Crittenden county, Thos. S. Drew received 315 votes, and R. T. Redman, 332 votes.

In Clark county, Thomas S. Drew received 293 votes; Henry D. Biscoe, 83 votes and John L. Bently, 5 votes.

In Chicot county, Thos. S. Drew received 197 votes; Mr. Kaufman, one vote; J. M. Stewart, 5 votes; Thomas Smith, 2 votes; John Smith, one vote, and Mr. A. Harden, one vote.

In Desha county, Thos. S. Drew received 369 votes.

In Green county, Thos. Drew received 277 votes.

In Hempstead county, Thomas S. Drew received 560 votes.

In Hot Spring county, Thos. S. Drew received 305 votes.

In Independence county, Thos. S. Drew received 678 votes.

In Jefferson county, Thos. S Drew received 234 votes, John W. Cocke, one vote; R. Little, three votes; Asa McKinney, three votes, and J. K. Hood three votes.

In Johnson county, Thos. S. Drew received 687 votes; Lorenzo Gibson, 26 votes, and Bartley Zachry, 13 votes.

In Lafayette county, Thos. S. Drew received 173 votes, and Absolem Fowler, 2 votes.

In Monroe county, Thos. S. Drew received 245 votes.

In Madison county, Thos. S. Drew received 541 votes.

In Mississippi county, Thos. S. Drew received 258 votes.

In Montgomery county, Thos. S. Drew received 167 votes.

In Newton county, Thos. S. Drew received 226 votes.

In Ouachita county, Thos. S. Drew received 497 votes.

In Phillips county, Thos. S. Drew received 517 votes.

In Pope county, Thos. S. Drew received 515 votes; Lorenzo Gibson, 2 votes; Absolem Fowler, one vote, and Jonathan Logan, one vote.

In Perry county, Thos. S. Drew received 110 votes, and Lorenzo Gibson, one vote.

In Poinsett county, Thos. S. Drew received 260 votes.

In Randolph county, Thos. S. Drew received 406 votes.

In Sevier county, Thos. S. Drew received 466 votes.

In Saline county, Thos. S. Drew received 442 votes, and Lorenzo Gibson received ten votes.

In Scott county, Thos. S. Drew received 344 votes.

In Searcy county, Thos. S. Drew received 182 votes.

In St. Francis county, Thos S. Drew receieved 559 votes, and Freeman E. Patrick received ten votes.

In Union county, Thos. S. Drew received 759 votes; Albert Pike, 104 votes; R. A. Burton, 12 votes, and Thos. W. Newton, one vote.

In Van Buern county, Thos. S. Drew received 312 votes.

In Washington county, Thos. S. Drew received 910 votes, and H. F. Thompson received 3 votes.

In White county, Thos. S. Drew received 239 votes.

In Yell county, Thos. S. Drew received 38[illegible] votes, and F. Smithson received 6 votes.

In Polk county, Thos. S. Drew received [illegible]92 votes.

In Prairie county, Thos. S. Drew received 207 votes.

In Dallas county, Thos. S. Drew received 388 votes, and H. L. Biscoe received 80 votes.

In Drew county, Thos. S. Drew received 242 votes, and Lorenzo Gibson received 28 votes.

From the counties of Franklin, Izard, Jackson, Lawrence, Marion and Pulaski, there were no returns.

The returns from Pike county were informal, and could not, of course, be counted.

Making the aggregate for Thos. S. Drew, 15,962 votes; for Henry L. Biscoe, 163 votes; John L. Bentley, 5 votes; Lorenzo Gibson, 115; Albert Pike, 104 votes; R. Burton, 12 votes; Thos. W. Newton, one vote; W. S. Oldham, one vote; Jacob S. Gross, 38 votes; C. F. M. Noland, one vote; M. W. Dorris, 24 votes; Robert Wilson, 7 votes; Jonathan Logan 12 votes; R. T. Redman, 33 votes; Wm. Kaufman, one vote; J. M. Stewart, 5 votes; Thos. Smith, two votes; John Smith, one vote; Wm. A. Harden, one vote; John W. Cocke, one vote; R. Little, three votes; Asa McKinney, three votes; J. R. Hood, three votes; Bartlett Zachry, 13 votes; Absolem Fowler, three votes; Freeman E. Patrick, 10 votes; H. F. Thompson, three votes; F. Smithson, six votes.

Whereupon, the Speaker proclaimed that Thos. S. Drew, having received a majority of all the votes given, was duly and constitutionally elected Governor of the State of Arkansas, for, and during the time prescribed by the constitution.

The Senate returned to their Chamber.

On motion of Mr. Underhill, leave of absence was granted Mr. Austell.

On motion of Mr. Williamson, the Senate adjourned.

J. GOULD, *Chairman.*

Thursday, Nov. 9th, 1848.

The Senate met pursuant to adjournment.

Mr. Gould gave notice to the Senate that Mr. President was detained in his room by indisposition, and unable to resume the chair for the present.

On motion of Mr. McCamy, Mr. Gould was called to the chair.

Mr. Evans, Senator from the counties of Randolph and Green, appeared and took his seat.

The chair ordered a call of the Senate; the roll being called, seventeen Senators answered to their names.

Prayer by the Rev. Mr. Green.

The journal of yesterday was read and approved.

On motion of Mr. Hampton, leave of absence was granted Mr. President on account of indisposition.

Mr. Maxwell introduced a memorial, signed by William Black, praying a re-investigation into the report of the committee on elections, adopted by the last General Assembly, depriving him of his seat in the Senate, and giving it to H. L. Evans.

Which was read, and, on motion of Mr. Maxwell, it was referred to the committee on elections.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have passed the following resolution.

Resolved, That the Senate be requested to co-operate with this House, in a joint committee, consisting of five on the part of the House, to wait upon, and confer with his Excellency, Thomas S. Drew, in relation to his inauguration; and that said joint committee be a committee of arrangement, for the occasion.

In which the concurrence of the Senate is respectfully asked.

The committee on the part of the House, are Messrs. Flournoy, Mitchell, Bertrand, Preston and Scott.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Underhill introduced the following resolution:

Resolved, by the General Assembly of the State of Aakansas, That the committee appointed by the Senate, and the House of Representatives, on public printing, be a joint committee, whose duty it shall be to receive proposals, and contract with the lowest bidder for the printing of the present General Assembly, and such other public printing as the public service may require previous to the meeting of the next General Assembly, and that such joint committee, take bond, with sufficient security, in the name of the State, for the faithful performance of the contract.

Which was read.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, the resolution read a second time, and adopted, and transmitted to the House of Representatives for their concurrence.

On motion of Mr. Clarke, the resolution from the House of Representatives appointing a committee to wait on the Governor elect, and ascertain when it will suit his convenience to be inaugurated, was taken up, read, and concurred in by the Senate.

Mr. Hampton moved that the committee on the part of the Senate, consist of three members.

Mr. Underhill moved that the committee consist of five members.

The question was taken on Mr. Underhill's motion, and it prevailed; and a committee appointed, consisting of Messrs. Hampton, Rector, Clarke, Flanagin and Poindexter, and the House informed thereof.

Mr. Williamson gave notice that, on to-morrow, he would make a motion to amend the third rule for the government of the Senate.

Mr. Clarke introduced a bill to be entitled "An act to change the name of Josephine Gwinn to the name of Josephine Maxey, and to constitute her a lawful heir to the estate of John Maxey, and Olivia C. Maxey, his wife."

Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

And, on the further motion of Mr. Clarke, the rules were again dispensed with, the bill read a third time, and passed, and transmitted to the House.

Mr. Chism, pursuant to previous notice, introduced a bill to be entitled "An act to authorize the Land Agent to sell lands belonging to the State, in forty acre tracts."

Which was read a first time, and ordered to a second reading on to-morrow.

The chair laid before the Senate the following communication from the Financial Receiver of the State Bank:

RECEIVER'S OFFICE, STATE BANK,
Little Rock, Nov. 9, 1848.

To the Hon. President of the Senate:

SIR—I have thought it proper in this manner to inform the Senate, that the regular report of the Financial Receiver of the Bank of the State of Arkansas—required by law to be presented to the General Assembly—has, this day, been delivered to the House of Representatives.

This method of reporting to the General Assembly through the House of Representatives, has been adopted by me in accordance with former usage, and with the supposition, that, most likely, any action upon the subject matter of the report, will be first, by joint committee of both Houses.

I will remark, however, that if the Senate desire any separate additional information in relation to this bank, upon being informed of the same, the Receiver will take great pleasure in laying it before you.

I have the honor to be, most respectfully, your ob't serv't.

A. E. THORNTON, *Financial Receiver*.

Which was read, and on motion of Mr. McCamy, referred to the committee on banks.

On motion of Mr. McClain, the vote taken on the adoption of the report of the committee that reported the rules and joint rules for the government of the Senate, on yesterday, was reconsidered.

On motion of Mr. Williamson, the report of the committee on rules, made on yesterday, was re-committed to the same committee.

On motion of Mr. Poindexter, the vote taken on Mr. Williamson's motion to re-commit the report of the committee on rules, was re-considered.

On motion of Mr, Poindexter, the third rule for the government of the Senate, reported by the committee was striken out.

Mr. Flanagin gave notice, that, on to-morrow, he would introduce a bill for the purpose of authorizing the sale of certain lands belonging to James M. Matlock, decd., in his life-time; which lands lie in the State of Arkansas.

Message from the House of Representatives by the clerk:

Mr. President—I have the honor to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate with regard to letting out the printing to the lowest bidder.

The committee, on the part of the House, are, Messrs. Collins, Reynolds, Flournoy, Berry and Smith.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Flanagin, the report of the committee on rules was adopted, as amended by Mr. Poindexter.

On motion of Mr. McClain, the resolution introduced on yesterday, by Mr. Williamson, setting Friday next, to bring on the elections of United States Senators, was taken up and read.

Mr. Rector moved to strike out "Friday," and insert Monday.

Mr. Armstrong moved to amend the amendment by striking out "Monday," and inserting Monday week.

The question was taken on the amendment to the amendment, and it was lost.

Mr. Hampton called for the yeas and nays on the adoption of the amendment offered by Mr. Rector; which being ordered, were yeas 11, nays 12.

Yeas, Messrs. Evans, Flanagin, Hampton, Mayfield, McCamy, Poindexter, Rector, Reyburn, Shaw, Simpson and Watkins—11.

Nays, Messrs. Armstrong, Burke, Chism, Clarke, Dickson, Gould, Maxwell; McClain, Mitchell, Underhill, Williamson, and Wilson—12.

So the amendment was lost.

Mr. Armstrong moved to lay the original resolution on the table; upon which motion Mr. Maxwell called for the yeas and nays; which being ordered, were yeas 16, nays 7.

Yeas, Messrs. Armstrong, Chism, Clarke, Dickson, Evans, Flanagin, Golud, Hampton, Mayfield, Poindexter, Rector, Shaw, Simpson, Underhill, Watkins and Wilson—16.

Nays, Messrs. Burke, Maxwell, McCamy, McClain, Mitchell, Reyburn and Williamson—7.

So the resolution was laid on the table.

The resolution of the Senate, introduced on yesterday, by Mr. Hampton, "to appoint a joint committee of three on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to enquire into, and ascertain, how far the objects contemplated by an act passed at the last session of the General Assembly, entitled "An act to provide for revising and digesting the statute laws of Arkansas, have been accomplished, and the terms upon which the printing and binding, have been obtained," was taken up, read a second time, and adopted, and Messrs. Hampton, McClain and Underhill, appointed a committee, on the part of the Senate.

Mr. Evans gave notice, that, on to-morrow, or some future day, he would introduce a bill to amend the 61st chapter of the Revised Statutes of the State of Arkansas, in relation to voting by ballot.

The following communications were laid before the Senate by the Secretary:

Little Rock, Nov. 9th, 1848.

Sir—In accordance with a resolution of your honorable body, I have the honor of transmitting the following bid for the printing of the Governor's Message, and the accompanying documents, viz: for the printing of 500 copies of the Governor's message, and accompanying documents on good paper, in Small Pica type, octavo size, $1 37½ per page, rule and figure work, double the above price.

Should it be necessary to print any of the above in smaller letter—say Brevier, it shall be counted at the rate of Small Pica, fifteen hundred m's to the page. All blank pages, or parts of blank pages, to be charged as printed matter, but none made unnecessarily. The whole to be done in a workmanlike manner.

Respectfully,
G. B. HAYDEN, *Editor of the Gazette.*

J. M. ROSS, *Secretary of the Senate.*

Senate Chamber, Little Rock,
Nov. 9th, 1848.

I have examined and compared all the bids made for printing 500 copies of the Governor's Message, with the accompanying documents by the Editors of this city, and find the bid of Geo. B. Hayden, Esq., Editor of the Gazette, to be the lowest. And have, therefore, directed him to print them, as directed by the resolution of the Senate, adopted on yesterday.

J. MARION ROSS, *Secretary of the Senate.*

Which were read, and the contract approved by the Senate.

Mr. Wilson introduced the following resolution:

Resolved, That when the Senate adjourn, on each day, that the adjournment be to *nine* o'clock on the ensuing day, unless otherwise ordered.

Mr. Hampton moved to strike out 9 and insert 10, which motion prevailed; and the resolution, as amended, was adopted.

Mr. Clarke introduced the following resolution:

Resolved, That the Secretary be directed to provide tables and chairs, within the bar, for the use of editors and reporters.

Which was read and adopted.

Mr. Poindexter was called to the chair.

Mr. Simpson introduced the following resolution:

Resolved, That the two houses of the General Assembly of the State of Arkansas, proceed to the election of the Supreme Judges of this State, on Monday next, at 12 o'clock M., in the hall of the House of Representatives.

Which was read.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the resolution read a second time.

Mr. McClain moved to amend the resolution, by inserting after Supreme Judges, the words "Judges of the Circuit Courts and Prosecuting Attorneys."

Mr. Hampton moved to amend the amendment offered by Mr. McClain, by striking out prosecuting attorneys.

Mr. Gould moved to lay the amendments on the table, upon which motion Mr. Dickson called for the yeas and nays; which being ordered, were yeas 20, nays 3.

Yeas, Messrs. Armstrong, Burke, Chism, Dickson, Evans, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, and Wilson—20.

Nays, Messrs. Clarke, McClain, and Rector—3.

So the amendment were laid on the table.

Mr. Clarke moved to amend the resolution offered by Mr. Simpson, by adding, also, United States Senators, to fill the unexpired term occasioned by the resignation of Col. Sevier; and for the term of six years after the 4th of March next; and for the vacancy occasioned by the death of Col. Ashley.

Which amendment, the chair decided to be out of order.

The question was then taken on the adoption of the original resolution, and carried; and the House of Representatives informed thereof.

Mr. Gould introduced the following preamble and resolutions:

Whereas, Since the last meeting of the General Assembly, the Hon. Chester Ashley, one of the United States Senators from Arkansas, has departed this life; and whereas, it is the duty, as well as the pleasure of the General Assembly, to pay a suitable tribute of respect to the memory of our distinguished Senator and fellow citizen; therefore,

Resolved by the General Assembly of Arkansas, 1st, That in the death of the Hon. Chester Ashley, the State has lost an able, faithful, and efficient public servant, and the community in which he long lived, has been deprived of one of its most valuable citizens, regarding him in all the relations of life.

2d. That as a testimonial of respect for his memory, the members of this General Assembly will wear the usual badge of mourning for thirty days.

3d. That we deeply sympathize and condole with the bereaved family of our lamented Senator, in their irrepairable loss; and that a copy of these resolutions be communicated to them by the Secretary of the Senate.

Which were read.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the preamble and resolutions read a second time, and adopted unanimously.

On motion of Mr. Armstrong, the Senate adjourned.

J. GOULD, *President pro tem.*

Friday, November 10*th*, 1848.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Kelly.

The chair ordered a call of the Senate; the roll being called, 20 senators answered to their names.

On motion of Mr. McCamy, the senate proceeded to elect a president *pro tempore.*

Mr. Armstrong nominated Mr. Gould; when Mr. Gould called Mr. Poindexter to the chair.

The chair ordered the roll called, when it appeared that Mr. Gould had received eighteen votes.

Those senators who voted for Mr. Gould are Messers. Armstrong, Burke, Chism, Dickson, Evans, Hampton, Maxwell, Mayfield, McCamy, McClain, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, and Williamson—18.

Whereupon, the chair announced that Mr. Gould having received the unanimous vote of the Senate, was duly elected president *pro tempore* of the Senate, and appointed Messers. Chism and Reyburn to conduct him to the chair; whereupon, taking the chair, returned his thanks for the honor conferred, and entered on the discharge of his duties.

The journal of yesterday was read and approved.

Mr. Hampton, from a joint select committee, made the following report:

Mr. President: The joint select committee appointed to wait upon his excellency, Tho's S. Drew, and announce to him, officially, his election to the office of Governor of the State, and for the further purpose of ascertaining when it would suit the convenience of his excellency to be Inaugurated, have discharged that duty, and have directed me to report as the result of our conference, that his excellency will be prepared to take the oath of office, at 12 o'clock on Saturday, the 11th inst.; and further, the committee direct me to propose, as the order of arrangements, the following

PROGAMME:

A procession will be formed in front of the State House, at 11 o'clock, A. M., on Saturday the 11th inst., by the marshal of the day and his assistants, in the following order:

1. Music.
2. The Committee of Arrangements.
3. Clergy.
4. Judiciary.
5. Members and ex-members of Congress.
6. Officers of the Federal Government.
7. Officers of the State Government.
8. Officers and members of the Senate.
9. Officers and members of the House of Representatives.
10. Mayor and aldermen of the city of Little Rock.
11. Masonic Fraternity.
12. Independent Order of Odd Fellows.
13. Literary and other societies.
14. Little Rock Fire Company.
15. Citizens and strangers.

When formed, the procession will move, under the direction of the marshal, to the residence of the Governor elect, and thence conduct him to the State House, when the following proceedings will be had:

After the procession enters the hall of representatives, the ceremonies will be in the following order:

Music.
Prayer.
Music.
Inaugural Address.

Music.
The oath of office will then be administered.
Music.
Benediction.
Music.
A National salute.

Col. T. D. Merrick is appointed marshal of the day, who will select such assistant marshals as he may deem proper; and he is charged with carrying out the above arrangements.

JNO. R. HAMPTON, *Chairman.*

Which was read, and on motion of Mr. Maxwell, adopted.

The orders of the day were taken up.

Senate bill, No. 3, entitled "An act to authorize the Land Agent to sell the land belonging to the State in forty acre tracts," was read a second time; and on motion of Mr. Underhill, referred to the committee on Internal Improvements.

On motion of Mr. Clarke, the resolution to go into the election of United States Senators, on Friday, at 11 o'clock A. M., was taken up, and read.

Mr. Rector moved to amend the resolution by striking out Friday, and inserting Monday next.

Mr. Simpson moved to amend the amendment by striking out 11 and inserting 1.

Which amendment was accepted by Mr. Rector.

The question was then taken on the amendment and it was adopted.

Mr. Armstrong called for the yeas and nays on the adoption of the resolution as amended; which being ordered, were yeas 16, nays 6.

Yeas, Messrs. Chism, Clarke, Dickson. Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, and Williamson—16.

Nays, Messrs. Armstrong, Burke, Evans, Poindexter, Underhill, and Wilson—6.

So the resolution was adopted, and transmitted to the house of representatives, for their concurrence.

Mr. Wilson gave notice, that on Thursday next, he would introduce a bill to be entitled "An act to repeal so much of the first section of an act of the last General Assembly of the State of Arkansas, entitled 'An act to amend the 128th chapter of the Revised Statutes, and to increase the revenue of the State,' as requires a revenue to be collected from houses, lots, &c., which are or may be set apart *exclusively* for the worship of the Supreme Being.

Mr. Mitchell gave notice that on to-morrow he would introduce a bill to be entitled "An act to change the time of holding the county courts in the counties of Carroll and Newton."

On motion of Mr. Gould, the bill to be entitled "An act to establish the county of Worth, and the petitions accompanying it were withdrawn from the select committee to whom they were referred; and referred to the committee on Counties and County Lines.

Mr. Chism gave notice that, on Tuesday next, he would introduce a bill to be entitled "An act to change the time of holding the county and probate courts of Scott county."

On motion of Mr. Evans, the Senate took a recess for fifteen minutes.

The Senate convened.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have *unanimously* conccurred in the resolutions of the Senate in relation to the decease of the Hon. Chester Ashley, late Senator of the United State.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Underhill, the Senate adjourned.

J. GOULD, *President pro tem.*

Saturday, November, 11th, 1848.

The Senate met pursuant to an adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate, the roll being called, twenty senators answered to their names.

The journal of yesterday was read and approved.

Mr. Chism gave notice that on Wednesday next, or some subsequent day, he would introduce a bill to divide the State into districts, and appropriate the Internal Improvement Fund according thereto.

Mr. Poindexter introduced the following resolution.

Resolved, That so much of the Governor's Message as relates to the Penitentiary be referred to the committee on the Penitentiary.

That so much as relates to the Digest of the Statutes, laws of the State, be referred to the committee on the Judiciary.

That so much as relates to the claim of a portion of the militia of Benton county be referred to the committee on Claims.

That so much as relates to the lands donated to the State for purposes of Internal Improvement be referred to the committee on Internal Improvement.

That so much as relates to the 72 sections of land donated by

Congress for the erection and endowment of a seminary of learning be referred to the committee on Education.

That so much as relates to the subject of common schools be referred to the committee on Education.

That so much as relates to the Hot Springs be referred to a select committee.

That so much as relates to the commissioner of the general land office and the appointment of a clerk to the Secretary of State be referred to the committee of ———.

That so much as relates to the office of commissioner of public buildings be referred to the committee on Public Buildings.

That so much as relates to the revenue of the State be referred to the committee on Ways and Means.

That so much as relates to banks be referred to the committee on Banks.

That so much as relates to the Judiciary be referred to the committee on the Judiciary.

That so much as relates to internal improvement be referred to the committee on Internal Improvements.

That so much as relates to the financial situation of the State be referred to the committee of Ways and Means.

Which were read and adopted.

Mr. Poindexter introduced the following resolution:

Resolved, By both houses of the General Assembly, that a joint select committee be appointed, to consist of one from each judicial circuit on the part of the Senate, and of such number on the part of the lower House, as it may think proper to appoint, to take into consideration that portion of the Governor's message which recommends the expediency of calling a convention, for the purpose of amending the Constitution of the State.

Which was read and laid over one day under the rule.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House has passed the following resolution:

Resolved, That the committee on the Penitentiary, in both houses, be made a joint committee, and the Senate be asked to concur herein.

In which the Senate is respectfully asked to concur.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Which was taken up and read, and on motion of Mr. Maxwell, concurred in by the Senate, and the House of Representatives informed thereof.

Mr. Williamson introduced the following resolution:

Resolved, By the Senate, that the committee, appointed on the part of the Senate and House of Representatives, on the Auditor's and Treasurer's Books, be made a joint committee, and the House of Representatives be requested to concur therein.

Which was read and adopted, and transmitted to the House of Representatives for their concurrenee.

Mr. Poindexter gave notice that, on Tuesday next, or some day thereafter, he would introduce a bill to alter the time of holding courts in the sixth judicial circuit.

Mr. Hampton, from a joint select committee made the following report:

Mr. President: The joint select committee, appointed to wait upon his excellency, the Governor elect, and confer with him upon the subject of his inauguration, have had a second conferrence with his excellency, the result of which is, that I am directed to report to the Senate, that in consequence of the inclemency of the weather, it is proposed to postpone the time first appointed for the inauguration, until 12 o'clock A. M. on Wednesday next.

JNO. R. HAMPTON, *Chairman.*

Which was read, and on motion of Mr. Underhill, adopted.

Mr. Rector, from a select committee, made the following report:

Mr. President: The select committee, appointed to ascertain whether the requisitions of law, in reference to the proposed amendments to the Constitution, touching the publication of the same, have been complied with, have the honor to state, that such publications have been *duly made*, and seem to be in proper order and arrangement.

RECTOR, *Chairman.*

Mr. Mitchell, pursuant to previous notice, introduced a bill to be entitled "An act to change the time of holding the county courts of the counties of Carroll and Newton."

Which was read a first time.

On motion of Mr. Shaw, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Shaw moved to amend, by adding the following additional section:

And be it further enacted, That the county courts of Searcy county be held on the first Mondays in March, June, September, and December, in each year.

Which was read a first time.

On motion of Mr. Shaw, the rules of the Senate were dispensed with, and the amendment read a second time.

On motion of Mr. Shaw, the bill, as amended, was ordered to be engrossed, and read a third time on Monday next.

Mr. Rector introduced the following resolution.

Resolved, That the proposed amendments to the Constitution, be referred to the committee on the Judiciary.

Which was read.

On motion of Mr. Williamson, the following resolutions, to amend the Constitution of the State, adopted by the last General Assembly, were taken up and read for information.

Resolved by the General Assembly of the State of Arkansas, That they do propose the following amendments to the Constitution of this State, to wit:

1st. That the qualified voters of each Judicial Circuit in the State of Arkansas, shall elect their Circuit Judge.

2. That the qualified voters of each Judicial Circuit shall elect their Prosecuting Attorneys for the State.

3. That the qualified voters of each county shall elect a County and Probate Judge.

4. That no member of the General Assembly shall be elected to any office, within the gift of the General Assembly, during the term for which he shall have been elected.

5. That the General Assembly of the State of Arkansas, shall not be restricted, as to the number of counties that shall compose a Judicial Circuit in this State.

6. That the second, third, and fourth sections of the Constitution of the State of Arkansas, under the head of "*Revenue*," in the 7th article, be repealed, and the following substituted in its place, to wit: All property subject to taxation, shall be taxed according to its value, which value shall be ascertained in the manner prescribed by law, making the same uniform and equal throughout the State. No one species of property from which a tax may be collected, shall be taxed higher than any other species of property of equal value; *Provided*, That the General Assembly shall have power to tax all houses and other improvements, and lay an additional tax on lands for making roads; and to tax merchants, hawkers, pedlers, and privileges, in such manner as may be prescribed by law; *Provided*, That the General Assembly shall have power, by law, to affix a minimum valuation upon lands, below which they shall not be assessed.

7. That the words, "except Washington county, which may be reduced to six hundred square miles, or a less population than would entitle each county to a member in the House of Representatives," in the latter clause of the 29th section, of the 4th article of the Constitution, be stricken out and repealed.

A. RUST, *Speaker*
of the House of Representatives.
WM. K. SEBASTIAN, *President*
of the Senate.

Approved: Dec. 23d, 1846.

THO'S S. DREW.

On motion of Mr. Poindexter, the resolution offered by Mr. Rector, and the resolution to amend the Constitution, were laid on the table.

Mr. Flanagin, pursuant to previous notice, introduced a bill to be entitled "An act to authorize the sale of certain lands belonging to James M. Matlock, deceased, in his life time.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Williamson, the bill was referred to the committee on the Judiciary.

Mr. Rector gave notice, that on Tuesday next, he would introduce a bill to prevent the abuse of the public buildings, by marking, writing, caricatureing, or otherwise.

Mr. Evans gave notice, that on Thursday next, he would introduce a bill to be entitled "An act to change the time of holding the several circuit courts in the first judicial circuit in the State of Arkansas."

Mr. Mitchell gave notice, that on Monday next, he would make a motion to amend the 54th rule of the Senate.

The resolution of Mr. Poindexter, referring that part of the Governor's Message, relating to the Hot Springs of Arkansas to a select committee, was taken up and read.

Mr. Poindexter moved that the committee consist of five members.

Mr. Chism proposed six members, which was accepted by Mr. Poindexter, and the motion of Mr. Poindexter prevailed.

Mr. President appointed Messrs. Poindexter, Underhill, Wilson, Rector, Chism, and Williamson.

The resolution of Mr. Poindexter, referring that part of the Governor's Message, relating to the report of the Commissioner of the General Land Office, and the appointment of a clerk to the Secretary of State, to a ——— committee, was taken up, and referred to the committee on Internal Improvements.

On motion of Mr. Poindexter, Mr. Reyburn was added to the select committee to whom were referred that part of the Governor's Message relating to the Hot Springs of Arkansas.

On motion of Mr. Simpson, the Senate took a recess for fifteen minutes.

The Senate convened.

Mr. McClain moved that the Senate adjourn.

Which motion was lost.

On motion of Mr. McCamy, the Senate adjourned.

Monday, November 13*th*, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 22 Senators answered to their names.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the house have concurred in the resolution of the Senate to go into the election of one United States Senator to fill out the unexpired term of Hon. A. H. Sevier; one Senator for the term of six years from the 4th of March next, and one Senator to fill out the unexpired term of Hon. Chester Ashley, deceased, on to-day at 10 o'clock P. M. J. M. TEBBETTS, *Clerk of the House of Representatives.*

Mr. McClain, pursuant to previous notice, introduced a bill to be entitled "An act to authorize administrators to use discretionary powers in certain cases."

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Dickson, on leave, introduced a bill to be entitled "An act to amend the road laws."

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Wilson gave notice, that on Saturday next, or some following day he would introduce a bill requiring the State of Arkansas to defray all expenses, which may accrue in the prosecution of all and every offence that may be committed by any convict in our State Penitentiary, against the provisions of the 22d section of 121st chapter of the Arkansas Digest; and that all costs which have been paid by Pulaski county, under the head of said section, shall be refunded back to said Pulaski county.

On motion of Mr. Poindexter, the orders of the day were taken up.

The resolution of the Senate appointing a joint select committee of one from each judicial circuit, on the part of the Senate, and such number as may be appointed on the part of the House of Representatives, to take into consideration that portion of the Governor's Message, which recommends the expediency of calling a convention for the purpose of amending the Constitution of the State.

Was taken up, read, and adopted.

Senate bill, No. 4, entitled "An act to change the time of holding the county courts in the counties of Carroll and Newton."

Was read a third time and passed.

Message from the House of Representatives by the Clerk:

Mr. President—I am instructed to inform your honorable body that the House of Representatives that they have concurred in the resolution of the Senate, fixing the time of going into the election of Supreme Judges, with the following amendment:

Strike out all after the word resolved, and insert,

Resolved by the General Assembly of the State of Arkansas, That both houses, assembled in the hall of the House of Representatives, at 11 o'clock this day, and proceed, by joint vote, to the election of a Judge of the Supreme Court, as a successor to the Hon. Conway B., and Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. Williamson S. Oldham.

In which amendment the concurrence of the Senate is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

Mr. Watkins moved to concur in the amendment of the House, which motion was lost, and the Senate refused to concur in the amendment of the House.

Mr. President: The committee on the Judiciary, to whom was referred an act to be entitled "An act to authorize the sale of certain lands belonging to James M. Matlock, in his life time," beg leave to report that they have examined the same, and recommend that the same pass with the attached amendment.

FLANAGIN, *one of the Committee.*

Sec. 3. *Be it further enacted,* That the said Joseph Gray, before entering upon the discharge of his duties, enter into bond to the State of Arkansas, in the penal sum of $10,000, conditioned that he will faithfully account for the funds he may receive in the exercise of the powers in this bill granted, and exercise faithfully, the powers aforesaid.

Which was read, and on motion of Mr. Flanagin, it was adopted.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the amendment read a second time.

And on further motion of Mr. Flanagin, the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Mitchell, pursuant to previous notice, moved to amend the 8th clause of the 44th rule of the Senate, by striking out all after the word "bills" in the first line.

Which motion prevailed.

On motion of Mr. Clarke, the Senate took a recess until 10 o'clock P. M.

At 1 o'clock P. M., the Senate convened.

Mr. Williamson introduced the following resolution:

Resolved, That the Secretary of the Senate, procure the printing of 100 copies of the rules of the Senate; and 100 copies of the joint rules adopted for the government of the two houses.

Which was read and adopted.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the hall of the House of Representatives is now in readiness to receive the Senate for the purpose of going into the election of United States Senators.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

The Senate repaired to the hall of the House of Representatives, and being seated, the speaker announced that nominations for U. S. Senator, to fill the unexpired term of Hon. A. H. Sevier, were in order.

Whereupon, Mr. Dickson nominated Ambrose H. Sevier.

Mr. Armstrong nominated Solon Borland.

Mr. Robinson, of Lawrence, of the House, nominated C. F. M. Noland.

No other nominations being made, the roll was called, when it appeared that Solon Borland had received 41 joint votes; Ambrose H. Sevier had received 36 joint votes, and C. F. M. Noland had received eighteen joint votes, and John Miller had one vote.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Mitchell, Rector, and Williamson—8.

Those Senators who voted for Ambrose H. Sevier, are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Reyburn, Shaw, Simpson, Watkins, and Mr. President—12.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon the convention proceeded to ballot a second time.

The rolls being called, it appeared that Solon Borland had received 41 joint votes; A. H. Sevier had received 36 joint votes; C. F. M. Moland had received 18 joint votes, and John Miller had 1 vote.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Mitchell, Rector, and Williamson—8.

Those Senators who voted for Ambrose H. Sevier, are Messrs Austell, Dickson, Evans, Gould, Simpson, Watkins, and Mr. President—12.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

None of the gentlemen voted for having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon, the convention proceeded to ballot a third time.

The rolls being called, it appeared that Solon Borland had received 42 joint votes; A. H. Sevier had received 36 joint votes; and C. F. M. Noland had received 18 joint votes, and John Miller had one vote.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Mitchell, and Williamson—7.

Those Senators who voted for A. H. Sevier are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—13.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

None of the gentlemen voted for having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon, the convention proceeded to a fourth ballot.

The roll being called, it appeared that Solon Borland had 42 joint votes; A. H. Sevier had 36 joint votes; C. F. M. Noland had 18 joint votes, and John Miller had 1 vote.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Mitchell, and Williamson—7.

Those who voted for A. H. Sevier, are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—13.

Those Senators who voted for C. F. M. Noland, are Messrs. Burk, Flanagin, Poindexter, Underhill, and Wilson—5.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon, the convention proceeded to ballot a fifth time.

The rolls being called, it appeared that Solon Borland had 42 joint votes; A. H. Sevier had 36 joint votes; C. F. M. Noland had 18 joint votes, and John Miller had 1 vote.

Thoss Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Mitchell, and Williamson—7.

Those Senators who voted for A. H. Sevier, are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—13.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Mr. McCamy moved that the Senate withdraw from the convention; which motion the chair decided out of order.

Mr. Gould moved that the convention adjourn until to-morrow morning, at 11 o'clock.

Which motion was lost.

On motion of *Mr*. Flournoy, of the House, the convention adjourned until to-morrow mornin, at 10 o'clock.

The Senate repaired to the Senate chamber.

On motion of *Mr*. Williamson, the Senate adjourned.

Tuesday November, 14*th* 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, eighteen senators answered to their names.

On motion of Mr. McClain, the reading of the journal was dispensed with for the present.

Mr. President appointed Messrs. Poindexter, Hanagin, McClain, McCamy, Watkins, Underhill, Maxwell and Gould, a committee on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives to take into consideration, that portion of the Governor's Message, which recommends the expediency of calling a convention for the purpose of amending the Constitution of the State.

Mr. Chism, pursuant to previous notice, introduced a bill to be entitled an act to change the time of holding the county courts of Scott county.

Which was read a first time, and ordered to a second reading on to-morrow.

A Message from the House of Representatives by their clerk:

Mr. President: I am instructed to inform your honorable body that the Hall of the House of Representatives is now in readiness to receive the Senate for the purpose of going into election of United States Senators, pursuant to adjournment of last evening.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The Senate repaired to the Hall of the House of Representatives, and being seated:

The rolls were called, when it appeared that Solon Borland had received 42 joint votes; Ambrose H. Sevier had received 37 joint votes, and C. F. M. Noland had received 18 joint votes.

Those Senators who voted for the Solon Borland, are Messrs.

Armstrong, Chism, Clarke, Maxwell, McClain, Mitchell and Williamson—7.

Those Senators who voted for Ambrose H. Sevier, are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Reybourn, Shaw, Simpson, Watkins, and Mr. President—13.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill and Wilson—5.

None of the gentlemen voted for having received a majority of all the votes given, the Speaker announced that there was no choice made.

Whereupon, the convention proceeded to ballot a second time.

The rolls being called, it appeared that Solon Borland had received 42 joint votes; Ambrose H. Sevier had received 37 joint votes, and C. F. M. Noland had received 18 joint votes.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Mitchell and Williamson—7.

Those Senatars who voted for Ambrose H. Sevier, are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Reyburn, Shaw, Simpson, Watkins and Mr. President—13.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill and Wilson—5.

None of the gentlemen voted for having received a majority of all the votes given, the Speaker announced that there was no choice made.

Whereupon the convention proceeded to ballot a third time.

The rolls being called, it appeared that Solon Borland had received 42 joint votes; A. H. Sevier had received 37 joint votes, and C. F. M. Noland had received 18 joint votes.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, Maxwell, McClain, Mitchell and Williamson—7.

Those Senators who voted for Ambrose H. Sevier, are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Reyburn, Simpson, Watkins and Mr. President—13.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill and Wilson—5.

None of the gentlemen voted for having received a majority of all the votes given, the Speaker announced that there was no choice made.

Mr. Hampton moved that the Senate withdraw from the House of Representatives, which motion prevailed, and the Senate returned to their chamber.

On motion of Mr. Williamson, the journal of yesterday was read, and after the reading it was approved.

On motion of Mr. Gould, the orders of the day were taken up.

Senate bill No. 7, to be entitled "an act to amend the road laws," was read a second time, and on motion of Mr. Dickson, it was referred to the committee on public roads.

Senate bill, No. 6, to be entitled an act to authorize administrators to use discretionary powers in certain cases, was read a second time, and on motion of Mr. Gould it was referred to the committee on the judiciary.

Senate bill No. 5, to be entitled an act to authorize the sale of lands, belonging to James M. Matlock dec'd, in his lifetime, was read a third time.

On motion of Mr. Maxwell, it was laid on the table for the present, as Mr. Flanagin was not in his seat.

Mr. Flanagin appeared in his seat, and on his motion the bill entitled an act to authorize the sale of lands belonging to James M. Matlock dec'd, in his lifetime, was taken up.

On further motion of Mr. Flanagin, the bill was referred to a select committee, consisting of Messrs. Flanagin, Chism, and Gould.

On motion of Mr. Maxwell, the amendments to the constitution of the State of Arkansas, adopted by the last General Assembly, were taken up and read.

Mr. Rector moved to refer them to the committee on the judiciary.

On which motion Mr. Simpson called for the yeas and nays; which being ordered, were years 8, nays 16.

Yeas—Messrs. Armstrong, Flanagin, McClain, Poindexter, Rector, Reyburn, Underhill and Wilson—8.

Nays—Messrs. Austell, Burke, Chism, Dickson, Evans, Gould, Hampton, Maxwell, Mayfield, McCamy, Mitchell, Shaw, Simpson, Watkins, Williamson and Mr. President—16.

So the Senate refused to refer the resolutions to the committee on the judiciary.

Mr. Gould moved a call of the Senate, which motion was sustained.

The roll was called, when the following Senators answered to their names, to-wit:

Messrs. Armstrong, Austell, Burke, Chism, Dickson, Evans, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson and Mr. President—24.

The sergeant at-arms was ordered to bring in the absentee.

Who retired for a few minutes and returned with Mr. Clarke.

The first resolution to amend the Constitution of State adopted at the last session of this General Assembly, was read as follows:

1st. That the qualified voter of each judicial circuit in the State of Arkansas, shall elect their circuit judge.

Upon the adoption of which *M*r. President ordered the yeas and nays:

Yeas—*M*essrs. Armstrong, Austell, Burke, Chism, Clarke, Dickson, Evans. Flanagin, Gould, Hampton, *M*axwell, *M*ayfield, *M*cCamy, *M*itchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson and *M*r. President—23.

Nays—*M*essrs *M*cClain and Rector—2.

So the resolation was ordered to a second reading.

The 2nd resolution was read as follows:

2nd. That the qualified voters of each judicial circuit shall elect their Prosecuting Attorney for the State.

It was ordered to a second reading by the following vote:

Yeas—*M*essrs. Armstrong, Austell, Burke, Chism, Clarke, Dicksion, Evans, Flanagin, Gould, Hampton, *M*axwell, *M*ayfield, *M*cClain, *M*itchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson and *M*r. President—24.

Nay—*M*r. Rector—1.

The 3rd resolution was read as follows:

3rd. That the qualified voters of each county shall elect a county and probate judge.

It was ordered to a second reading by the following vote.

Yeas—*M*essrs. Armstrong, Austell, Burke, Chism, Clarke, Dickson, Evans, Flanagin, Gould, Hampton, *M*axwell, *M*ayfield, *M*cCamy, *M*cClain, *M*itchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson and *M*r. President—25.

The 4th resolutions was read as follows:

That no member of the General Assembly shall be elected to any office within the gift of the General Assembly, during the term for which he shall have been elected.

It was ordered to a second reading by the following vote:

Yeas, Messrs. Austell, Burke, Chism, Dickson, Evans, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Watkins, Williamson, Wilson and Mr. President—21.

Nays, Messrs. Armstrong, Clarke, McClain, and Underhill—4.

The 5th resolution was read as follows:

5th. That the General Assembly of the State of Arkansas shall not be restricted as to the number of counties, that shall compose a judicial circuit in this State.

It was ordered to a second reading by the follow vote:

Yeas, Messrs. Armstrong, Burke, Chism, Clarke, Dickson, Evans, Flanagin, Gould, Hampton, Maxwell, Mayfield, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—23.

Nays, Messrs. Austell, and McCamy—2.

The 6th resolution was read as follows:

6th. That the second, third and fourth sections of the Constitution of the State of Arkansas, under the head of "Revenue," in the 7th article, be repealed, and the following substituted in its place, to-wit:

All property subject to taxation shall be taxed according to its value, which value shall be ascertained in the manner prescribed by law, making the same uniform and equal throughout the State. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value; *Provided*, that the General Assembly shall have power to tax all houses, improvements and other uniformality, and lay an additional tax on lands for making roads, and to tax merchats, hawkers, pedlers, and privileges in such manner as may be prescribed by law; *Provided*, that the General Assembly shall have power, by law to affix a minimum valuation upon lands, below which they shall not be assessed.

It was lost by the following vote; two-thirds of the Senators refusing to vote to pass to a second reading.

Yeas, Messrs. Armstrong, Chism, Evans, Flanagin, Hampton, Maxwell, Mayfield, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, and Wilson—16.

Nays, Messrs. Burke, Clarke, Dickson, Gould, McCamy, McClain, Watkins, Williamson, and Mr. President—9.

The 7th resolution was read as follows:

7th. That the words "except Washington county, which may be reduced to six hundred square miles, or a less population than would entitled each county to a member in the House of Representatives," in the latter clause of the 29th section of the 4th article of the constitution be stricken out and repealed.

It was ordered to a second reading by the following vote:

Yeas, Messrs. Armstrong, Austell, Burke, Chism, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Wilson, and Mr. President—17.

Nays, Messrs. Clarke, Dickson, Evans, Flanagin, Gould, Maxwell, Rector, and Williamson—8.

Mr. McClain introduced the following resolution:

Resolved, That the Senate and House of Representatives will meet in convention in the Hall of the House on Thursday the 16th inst., at 10 o'clock, A. M., for the purpose of electing a United States Senator to fill the vacancy occasioned by the resignation of the Hon. A. H. Sevier. Also a United States Senator for the term of six years, which commences on the fourth of March next. Also a United States Senator to fill the vacancy occasioned by the death of the Hon. Chester Ashley; and that the House of Representatives are respectfully requested to concur herein.

Which was read.

On motion of Mr. McClain, the rules of the Senate was dispensed with, and the resolution read a second time.

Mr. Gould offered to amend the resolution as follows:

1st, to elect a Senator for six years from 4th March next.

2nd, to elect a Senator for the unexpired term of the Hon. A. H. Sevier.

Which was read.

The question being on the adoption of the amendment, Mr. Williamson called for the yeas and nays; which being ordered, were yeas 11, nays 14.

Yeas, Messrs, Evans, Gould, Mayfield, McCamy, Poindexter, Rector, Reyburn, Shaw, Simpsyn, Watkihs, and Mr. President—11.

Nays, Messrs, Armstrong, Austell, Burke, Chism, Clarke, Dickson, Flanagin, Hampton, Maxwell, McClain, Mitchell, Underhill, Williamson, and Wilson—14.

So the amendment was lost.

The question was then taken on the adoption of the resolution; and carried, and the House of Representatives informed thereof.

On motion of Mr. Armstrong, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Wednesday, November 15th, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, twenty Senators answered to their names.

The journal of yesterday was read and approved.

On motion of Mr. Clarke, the Senate took a recess until 11 o'clock, A. M.

At 11 o'clock, A. M., the Senate convened.

On motion of Mr. Flanagin, the secretary of the Senate was ordered to inform the House of Representatives that the Senate was ready to repair to the Hall of the House, preparatory to forming a procession to wait on the Governor elect.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your Hon. body, that the Hall of the House of Representatives is now in readiness to receive the Senate, preparatory to forming a procession to wait on the Governor elect.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The Senate repaired to the Hall of the House of Representatives.

After the Inauguration of the Governor elect, the Senate returned to their chamber.

On motion of Mr. Gould, the Senate adjourned.

Thursday, November 16th, 1848.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called twenty Senators answered to their names.

The Journal of yesterday was read and approved.

Mr. Gould presented a petition, signed by Lafayette B. Luckie, Alexis T. Rainey, Leroy P. Edington, Henry F. Bailey, and Brown S. DuBose, of Bradley county, Arkansas, praying to be released from a judgment entered against them, in the circuit court of Bradley county, as securities for Eli T. Mendenhall, who was indicted in said county, for an assault, with intent to kill; and whom they allege, died in Mexico.

The prayer of the petitioners was sustained by the signature of 53 citizens of Bradley county.

Accompanying the petition, was a certified transcript of the proceedings had in this case in the circuit court of Bradley county.

After the reading of the petition, it was referred, with the transcript, on motion of Mr. Gould, to the committee on memorials.

Mr. McClain gave notice, that on to-morrow, or some subsequent day of the session, he would introduce a bill to be entitled "An act to compel circuit Judges to exchange circuits with each other, and for other purposes,"

Mr. Clarke, from the committee on Counties and County Lines, made the following report:

Mr. President: The standing committee on Counties and County Lines, to whom was referred the bill to establish the county of Worth, have the honor to report:

1st. That by inspection of the maps of Arkansas, it appears that Drew county is sufficiently large for two counties.

2d. From the petitons before the committee, it appears that the people of said county are laboring under great inconvenience from the great distance which they now travel to the county seat.

3d. From the official certificate of the Secretary of State, it appears that Drew county, at the last August election, polled 550 votes; and allowing three white males to each vote, would give 1650 of white male population to Drew county. By allowing four white males to each voter, which your committee are inclined to think the most correct criterion, there would be 2,200 white males in said county of Drew.

4th. From the inspection of the map, your committee find the proposed county of Worth is sufficiently large; and leaves to the county of Drew a sufficient quantity of territory.

5th. From testimony taken before your committee, they believe the county of Worth will contain about 225 voters, or according to the calculation made, at 4 white males to 1 voter, about 900 free white males.

Your committee, therefore, approve of the bill, and recommend its passage.

CLARKE, *Chairman committee on Counties and County Lines.*

Which report was read, and on motion of Mr. Gould, adopted.

The bill accompanying it, to be entitled "An act to establish the county of Worth," was read a third time and passed.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have passed the following resolution.

Resolved, That the two houses will assemble in the hall of the House, on Thursday the 16th inst., at 12 o'clock M., for the purpose of electing a Judge of the Supreme Court to fill the vacancy occasioned by the resignation of the Hon. Williamson S. Oldham; also, a Judge of the Supreme Court for the term of 8 years, as a successor to the Hon. Conway B., and that the Senate be respectfully requested to concur herein.

In which the concurrence of you honorable body is respectfully asked.

They have passed a bill to be entitled "An act for the relief of Davis Thompson, sheriff and collector of Phillips county."

Which is herewith transmitted for the assent of the Senate.

The House have concurred in the resolution of the Senate, agrees upon the appointment of a joint select committee, to take into consideration so much of the Governor's message as relates to calling a convention to amend the Constitution of this State, and have appointed Messrs. Mitchell, Montgomery, Billingsley, Clarke, Preston, Stith, Bertrand, and Ederington, to co-opperate with the committee of the Senate.

The House have concurred in the resolution of the Senate, fixing to-day for the election of United States Senators.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President—I have the honor to inform your honorable body, that the House of Representatives have adopted the following resolutions.

Resolved, by the General Assembly of the State of Arkansas, That the following amendments be, and they are hereby adopted as part of the Constitution of the State of Arkansas:

1st. That the qualified voters of each Judicial Circuit in the State of Arkansas, shall elect their Circuit Judge.

2. That the qualified voters of each Judicial Circuit shall elect their Prosecuting Attorney for the State.

3. That the qualified voters of each county shall elect a County and Probate Judge.

4. That no member of the General Assembly shall be elected to any office, within the gift of the General Assembly, during the term for which he shall have been elected.

5. That the General Assembly of the State of Arkansas, shall not be restricted, as to the number of counties that shall compose a Judicial Circuit in this State.

In which the concurrence of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Poindexter introduced a bill to be entitled "An act to alter the time of holding the courts in the 6th judicial circuit."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Chism introduced a bill to be entitled "An act to exempt from execution 40 acres of land, to every man of a family, or widow woman, with a family."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Wilson, pursuant to previous notice, introduced a bill to be entitled "An act to exempt from taxation all houses, lots, and lands dedicated to the worship of the Supreme Being."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Dickson introduced a bill to be entitled "An act to allow pay to volunteers in Benton county."

Which was read a first time.

On motion of Mr. Dickson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Dickson, the bill was referred to the committee on Claims.

On motion of Mr. Armstrong, the Senate took a recess for 15 minutes.

The Senate convened.

Mr. Chism introduced the following resolution:

Resolved, That when the Senate adjourn, it shall be until nine o'clock each day.

Which was read.

The question was taken on its adoption and was lost.

Senate bill, to be entitled "An act to change the time of holding the county courts of Scott county."

Was read a second time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, the bill was read a third time and passed.

Message from the House of Representatives by their clerk:

Mr. President—I am instructed to inform your Hon. body that the Hall of the House of Representatives, is now in readiness to receive the Senate, for the purpose of going into the election of United States Senator, pursuant to joint resolution.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Armstrong, the Senate repaired to the hall of the House of Representatives, and being seated,

The President announced that nominations for United States Senator, to fill the vacancy occasioned by the resignation of Ambrose H. Sevier, was in order.

Whereupon, Mr. Dickson nominated Ambrose H. Sevier; Mr. Armstrong nominated Solon Borland; and Mr. Robinson, of Lawrence, of the House, nominated C. F. M. Noland.

No other nominations being made, the rolls were called, when it appeared that Solon Borland had received 41 joint votes, Ambrose H. Sevier had received 37 joint votes; and C. F. M. Noland had received 18 joint votes.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, McClain, Mitchell, and Williamson—6.

Those Senators who voted for Ambrose H. Sevier, are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Beyburn, Shaw, Simpson, Watkins, and Mr. President—13.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon, the convention proceeded to ballot a second time.

The rolls being called, it appeared that Solon Borland had received 41 joint votes; Ambrose H. Sevier had received 37 joint votes; and C. F. M. Noland had received 18 joint votes.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Chism, Clarke, McClain, Mitchell, and Williamson—6.

Those Senators who voted for Ambrose H. Sevier, are Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—13.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Mr. Gould moved to dispense with the election to fill the vacancy occasioned by the resignation of Hon. Ambrose H. Sevier; and proceed to elect a Senator for the term of six years from the 4th of March next.

Upon which motion, Mr. McClain called for the yeas and nays; which being ordered, were, upon joint vote, yeas 44, nays 53.

Those Senators who voted in the affirmative are Messrs. Austell, Dickson, Evans, Gould, Mayfield, McCamy, Poindexter, Rector, Reyburn, and Mr. President—13.

Those Senators who voted in the negative, are Messrs. Armstrong, Burke, Chism, Clarke, Flanagin, Hampton, McClain, Mitchell, Underhill, Williamson, and Wilson—11.

So the motion was lost.

Mr. Rector moved to go into the election of United States Senator, to fill the vacancy occasioned by the death of Hon. Chester Ashley, deceased.

Upon which motion Mr. Clarke called for the yeas and nays; which being ordered, were, upon joint vote, yeas 37, nays 59.

Those Senators who voted in the affirmative, are Messrs. McClain, McCamy, Rector, Reyburn, Shaw, Watkins, and Mr. President—7.

Those Senators who voted in the negative are Messrs. Armstrong, Austell, Burke, Chism, Clarke, Dickson, Evans, Flanagin, Gould, Hampton, Mayfield, Mitchell, Poindexter, Simpson, Underhill, Williamson, and Wilson—17.

So the motion was lost.

Mr. Hampton moved that the convention adjourn until Saturday, 12 o'clock, A. M.

Which motion was lost.

On motion of Mr. Hampton, the Senate withdrew from the hall of the House of Representatives.

Which motion prevailed, and the Senate returned to their chamber.

Mr. President ordered a call of the Senate.

The roll was called and 24 Senators answered to their names.

On motion of Mr. Mitchell, leave of absence was granted to Mr. Maxwell, on account of indisposition.

On motion of Mr. Flanagin, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Friday, November 17th, 1848.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Kelly.

The chair ordered a call of the Senate; the roll being called, 20 senators answered to their names.

The journal of yesterday was read and approved.

Mr. Gould introduced the following resolutions:

Resolved by the General Assembly, That the two houses will meet in convention, on this day, at 12 o'clock, to elect,

1st. An United States Senator to fill the vacancy occasioned by the resignation of the Hon. A. H. Sevier.

2d. An United States Senator to fill the vacancy occasioned by the death of the Hon. Chester Ashley.

Which was read.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the resolution read a second time.

Mr. Rector moved to amend the resolution, by striking out 12 o'clock, and inserting 11 o'clock.

Which motion prevailed.

Mr. Clarke offered the following amendment:

After the words occasioned by the resignation of Col. Sevier, add for the term of six years after the 4th of March next.

Which was read.

Mr. Gould moved to lay the amendment on the table.

On which motion, Mr. Clarke called for the yeas and nays;

Which being ordered, were yeas 13, nays 11.

Yeas, Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Poindexter, Reyburn, Shaw, Simpson, Watkins, and Mr. President—13.

Nays, Messrs. Armstrong, Burke, Chism, Clarke, Flanagin, McClain, Mitchell, Rector, Underhill, Williamson, and Wilson—11.

So the amendment was laid on the table.

Message from the Governor, by John D. Adams, Esq., his private secretary:

EXECUTIVE OFFICE, LITTLE ROCK,
Nov. 17th, 1848.

To the Senate of the State of Arkansas:

In conformity with a provision of law, I nominate Clark B. Sartin, of Johnson county, to fill the office of Notary Public, for the approval of the Senate.

THO'S. S. DREW.

Mr. Gould moved the adoption of the resolution, to go into the election of United States Senators.

On which motion, Mr. McClain called for the yeas and nays;

Which being ordered, were yeas 10, nay 14.

Yeas, Messrs. Armstrong, Burke, Chism, Clarke, Flanagin, McClain, Mitchell, Underhill, Williamson and Wilson—10.

Nays, Messrs. Austell, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Poindexter, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—14.

So the motion to lay the resolution on the table was lost.

The resolution was then adopted.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed the following resolution:

Resolved, That the two houses of the General Assembly will meet in convention, on Friday, the 17th inst., at 2 o'clock M., for the purpose of election of a Senator to fill the vacancy occasioned by the resignation of the Hon. A. H. Sevier; also, a Senator for the term of six years to commence on the 4th of March next; also, a Senator to fill the vacancy occasioned by the death of the Hon. Chester Ashley, deceased.

In which the Senate is respectfully asked to concur.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. McClain moved to concur in the resolution of the House.

Mr. Gould offered the following amendment:

To amend the house resolution, by inserting 11 o'clock in place 2 o'clock, and by striking out, the words, also a senator for the erm of six years, to commence on the 4th day of March next.

Mr. Armstrong moved to lay the amendment on the table.

Which motion was lost.

The question being on the adoption of amendment to the resoluon, Mr. Clarke called for the yeas and nays, which being ordered, were yeas 14, nays 10.

So the amendment was adopted, and the resolution from the House adopted, as amended, and the House of Representatives inrmed thereof.

Mr. Mitchell introduced the following resolution:

Resolved, That 1,000 copies of the Inaugural address of his excellency, Governor Drew, be printed for the use of Senate.

Which was read and adopted.

Mr. Underhill introduced a bill, to be entitled "An act to provide for the collection of revenue due from certain counties."

Which was read a first time.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Underhill, the bill was referred to a select committee, consisting of Messrs. Underhill, McClain, and Shaw.

On motion of Mr. Gould, the orders of the day were taken up.

The message from the House of Representatives, received on yesterday, accompanying the resolutions adopted by the House, to amend the Constitution of the State of Arkansas, was taken up and read.

On motion of Mr. McCamy, the message and resolutions were laid on the table for the present.

On motion of Mr. McCamy, the resolutions of the Senate, to amend the Constitution of the State, were taken up.

The 1st resolution was read as follows:

1st. That the qualified voters of each judicial circuit, in the State of Arkansas, shall elect their circuit Judge.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the house have concurred in the amendments of the Senate to the resolution of the House, in relation to going into convention, for the purpose of electing a U. S. Senator to-day.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

On motion of Mr. Gould, the Senate took a recess for fifteen minutes.

The Senate convened.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed the following resolution:

Resolved, That both houses assemble in the hall of the House of Representatives, at 11 o'clock A. M., on Saturday, the 18th inst., and proceed, by joint vote, to the election of a Judge of the Supreme Court, as a successor of the Hon. Wm. Conway B., and also a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. Williamson S. Oldham.

In which the concurrence of the Senate is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Hampton moved to concur in the resolution.

Pending which motion, Mr. Gould moved a call of the Senate.

Which motion was sustained by the Senate.

The roll was called, when the Senators answered to their names.

Messrs. Armstrong, Austell, Burke, Chism, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, Williamson, and Mr. President —19.

The sergeant-at-arms was ordered to bring in the absentees, on the motion of Mr. Chism.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the hall of the House of Representatives is now in readiness to receive the Senate for the purpose of going into the election of United States Senators, as per joint resolution of to-day.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Gould withdrew his motion for a call of the Senate.

On motion of Mr. Gould, the Senate repaired to the hall of the House of Representatives, and being seated.

The President announced that nominations for U. S. Senator, to fill the vacancy occasioned by the resignation of Hon. A. H. Sevier, were in order.

Whereupon, Mr. Armstrong nominated Solon Borland.

Mr. Robinson, of Lawrence, of the House, nominated C. F. M. Noland.

No other nominations being made, the roll was called, when it appeared that Solon Borland had received 74 joint votes; C. F. M. Noland had received 19 joint votes; and Grandison D. Royston had 2 joint votes.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Austell, Chism, Clarke, Dickson, Evans, Gould, Hampton, McCamy, McClain, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, and Williamson—17.

Those Senators who voted for C. F. M. Noland, are Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

The Senator who voted for Grandison D. Royston, is Mr. President.

Whereupon, the speaker proclaimed, that Solon Boland having received a majority of all the votes given, was duly and constitutionally elected a Senator of the United States for the unexpired term of Hon. A. H. Sevier, resigned.

Mr. President announced that nominations were in order, for a

United States Senator, to fill out the unexpired term of Hon. Chester Ashley, deceased.

Whereupon, Mr. Williamson nominated Williamson S. Oldham.

Mr. Marshall, of the House, nominated Samuel H. Hempstead.

Mr. Armstrong nominated Grandison D. Royston.

Mr. Wilson, of Washington, of the House, nominated William K. Sebastian.

Mr. Trapnall, of the House, nominated Thomas W. Newton.

No other nominations being made, the roll was called.

When it appeared that Williamson S. Oldham had 36 joint votes.

William K. Sebastian had 21 joint votes.

Grandison D. Royston had 10 joint votes.

Samuel H. Hempstead had 11 joint votes.

And Thomas W. Newton had 18 joint votes.

Those Senators who voted for William K. Sebastian are Messrs. Austell, Dickson, Evans, Hampton, Mayfield, Shaw, and Watkins, —7.

Those Senators who voted for Williamson S. Oldham, Messrs. Chism, Clarke, McCamy, Mitchell, and Williamson—5.

The Senator who voted for Grandison D. Royston, is Mr. Armstrong.

Those Senators who voted for Samuel H. Hempstead, are Messrs. Gould, McClain, Rector, Reyburn, Simpson, and Mr. President—6.

Those Senators who voted for Thomas W. Newton, are Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

None of the gentlemen voted for having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon the convention proceeded to ballot a second time.

The rolls being called, it appeared that Williamson S. Oldham had received 37 joint votes.

William K. Sebastian had 26 joint votes.

Samuel H. Hempstead had 9 joint votes.

Grandison D. Royston had 10 joint votes.

Thomas W. Newton had 14 joint votes.

Those Senators who voted for Williamson S. Oldham, are Messrs. Chism, Clarke, McCamy, McClain, Mitchell and Williamson—6.

Those Senators who voted for William K. Sebastian, are Messrs. Austell, Burke, Dickson, Evans, Hampton, Mayfield, Shaw, Underhill, and Watkins—9.

Those Senators who voted for Samuel H. Hempstead, are Messrs. Gould, Rector, Reyburn, Simpson, and Mr. President—5.

The Senator who voted for Grandison D. Royston, is Mr. Armstrong.

Those Senators who voted for Thomas W. Newton, are Messrs. Flanagin, Poindexter, and Wilson—3.

None of the gentlemen voted for having received a majority of all the votes given, the Speaker announced that there was no choice made.

Mr. Trapnall withdrew the name of Thomas W. Newton.

Whereupon the convention proceeded to ballot a third time.

The rolls were called, when it appeared that Williamson S. Oldham had 38 joint votes.

William K. Sebastian had 38 joint votes.

Grandison D. Royston had 14 joint votes.

Samuel H. Hempstead had 3 joint votes.

Absolom Fowler had 3 joint votes.

Jesse Turner had 1 vote.

Those Senators who voted for Williamson S. Oldham, are Messrs. Chism, Clarke, McCamy, McClain, Mitchell and Williamson—6.

Those Senators who voted for William K. Sebastian, are Messrs. Austell, Burke, Dickson, Evans, Gould, Hampton, Mayfield, Rector, Reyburn, Shaw, Underhill, Watkins, and Mr. President—13.

Those Senators who voted for Grandison D. Royston, are Messrs. Armstrong, Flanagin, and Poindexter—3.

The Senator who voted for Samuel H. Hempstead, is Mr. Simpson.

The Senator who voted for Absolom Fowler, is Mr. Wilson.

None of the gentlemen voted for having received a majority of all the votes given, the Speaker announced that there was no choice made.

Mr. Marshall, of the House, withdrew the name of Samuel H. Hempstead.

Whereupon, the convention proceeded to ballot a fourth time.

The rolls being called, it appeared that Williamson S. Oldham, had 39 joint votes.

William K. Sebastian had 40 joint votes.

Grandison D. Royston had 14 joint votes.

Absolom Fowler had 2 joint votes.

And Jesse Turner had 1 vote.

Those Senators who voted for Williamson S. Oldham, are Messrs. Chism, Clarke, McCamy, McClain, Mitchell and Williamson—6.

Those Senators who voted for William K. Sebastian, are Messrs. Austell, Burke, Dickson, Evans, Gould, Hampton, Mayfield, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, and Mr. President—14.

Those Senators who voted for Grandison D. Royston, are Messrs. Armstrong, Flanagin, and Poindexter—3.

The Senator who voted for Absolom Fowler, is Mr. Wilson.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon, the convention proceeded to ballot a fifth time.

The rolls being called, it appeared that Williamson S. Oldham had 37 joint votes.

William K. Sebastian had 44 joint votes.

Grandison D. Royston had 14 joint votes.

And Absolom Fowler had 1 vote.

Those Senators who voted for Williamson S. Oldham, are Messrs. Chism, Clarke, McCamy, McClain, Mitchell, and Williamson—6.

Those Senators who voted for William K. Sebastian, are Messrs. Austell, Burk, Dickson, Evans, Gould, Hampton, Mayfield, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, and Mr. President—14.

Those Senators who voted for Grandison D. Royston, are Messrs. Armstrong, Flanagin, and Poindexter—3.

The Senator who voted for Absolom Fowler, is Mr. Wilson.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon, the convention proceeded to a sixth ballot.

The roll being called, it appeared that Williamson S. Oldham had 36 joint votes.

William K. Sebastian had 49 joint votes.

Grandison D. Royston had 10 joint votes.

And Absolom Fowler had 1 vote.

Those Senators who voted for Williamson S. Oldham, are Messrs. Chism, Clarke, McClain, Mitchell, and Williamson—5

Those Senators who voted for William K. Sebastian, are Messrs. Austell, Burke, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, and Mr. President—15.

Those Senators who voted for Grandison D. Royston, are Messrs. Armstrong, Flanagin, and Poindexter—3.

The Senator who voted for Absolom Fowler, is Mr. Wilson.

Whereupon, the speaker proclaimed that William K. Sebastian, having received a majority of all the votes given, was duly and constitutionally elected a Senator in the Congress of the United States, to fill out the unexpired term of the Hon. Chester Ashley, deceased.

The Senate repaired to the Senate chamber.

On motion of Mr. Gould, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Saturday, November, 19th, 1848.

The Senate met pursuant to an adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate, the roll being called, twenty-one senators answered to their names.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr. President—I have the honor to inform your honorable body, that the House have concurred in the resolution of the Senate, making the committees of the Senate and House of Representatives on auditor's and treasurer's books—a joint committee.

The House of Representatives have passed the following resolution:

Resolved, That the two Houses meet in convention on Monday 20th day of November, 1848, and proceed to elect a U. S. Senator for the term of six years from the 4th of March next.

J. M. TEBBETTS, *Clerk*
of the House Representativees.

Mr. Poindexter introduced the following resolution:

Resolved by the two Houses of the General Assembly, That the Governor be empowered, and hereby required to issue to William M. Burton, of the county of Hempstead, a certificate for 160 acres of land, from the five sections of land donated to the State, in place of one that has been lost.

Which was read, and laid on the table one day under the rule.

Mr. Austell, from the committee on the judiciary made the following report:

Mr. President—The judiciary committee to whom was referred a bill entitled an act to authorize administrators to use discretionary powers in certain cases, have duly considered the same and have authorized me to report the same back, and recommend its passage, with the following amendments:

S. L. AUSTELL, *Chairman.*

Amend 4th line 1st section, by striking out the word 'judge' and insert the word 'court.'

Amend 5th line 1st section, by inserting the word 'granted,' the words 'by the affidavit of the administrator.'

Amend 8th line 1st section, by striking out the word 'judge,' and insert the word 'court.'

Amend section 2, by striking out all after the word 'art.,' in the 3d line, and add 'in such manner as the probate court of the proper county may direst.'

Which report was read and adopted.

On motion of Mr. McClain, the bill accompanying it, was ordered to be engrossed, and read a third time on Monday next.

Mr. Underhill, from a select committee made the following report:

Mr. President—The select committee to whom was referred the bill entitled an act to provide for the collection of revenue from certain counties; have had said bill under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

UNDERHILL, *Chairman.*

Which report was read and adopted.

The bill accompanying the report, was read a third time and passed.

Mr. Hampton introduced a bill to be entitled an act to change the time of holding the county and probate courts of the county of Union.

Which was read a first time, and ordered to a second reading on Monday next.

On motion of Mr. McCamy, the message from the House containing the a resolution, to amend the constitution of the State, was taken up and read.

The first resolution was read as follows:

1st. That the qualified voters of each judicial circuit in the State of Arkansas, shall elect their circuit judge.

It was ordered to a second reading by the following vote:

Yeas, Messrs. Armstrong, Austell, Burke, Chism, Dickson, Evans, Flanagin, Gould, Hampton, Mayfield, McCamy, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—21.

Nays, Messrs. McClain, and Rector—2.

The second resolution was read as follows:

2nd. That the qualified voters of each judicial circuit shall elect their Prosecuting Attorney for the State.

It was ordered to a second reading by the following vote:

Yeas—*M*essrs. Armstrong, Austell, Burke, Chism, Clarke, Dicksion, Evans, Flanagin, Gould, Hampton, *M*axwell, *M*ayfield, *M*cClain, *M*itchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson and *M*r. President—24.

Nay—*M*r. Rector—1.

The 3rd resolution was read as follows:

3rd. That the qualified voters of each county shall elect a county and probate judge.

It was ordered to a second reading by the following vote.

Yeas—*M*essrs. Armstrong, Austell, Burke, Chism, Clarke, Dickson, Evans, Flanagin, Gould, Hampton, *M*axwell, *M*ayfield, *M*cCamy, *M*cClain, *M*itchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson and *M*r. President—25.

The 4th resolution was read as follows:

That no member of the General Assembly shall be elected to any office within the gift of the General Assembly, during the term for which he shall have been elected.

It was ordered to a second reading by the following vote:

Yeas, Messrs. Austell, Burke, Chism, Dickson, Evans, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Watkins, Williamson, Wilson and Mr. President—21.

Nays, Messrs. Armstrong, Clarke, McClain, and Underhill—4.

The 5th resolution was read as follows:

5th. That the General Assembly of the State of Arkansas shall not be restricted as to the number of counties, that shall compose a judicial circuit in this State.

It was ordered to a second reading by the follow vote:

Yeas, Messrs. Armstrong, Burke, Chism, Clarke, Dickson, Evans, Flanagin, Gould, Hampton, Maxwell, Mayfield, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—23.

The Senator who voted in the negative is Mr. Austell.

The 7th resolution of the Senate to amend the constitution, was read a second time, and on motion of Mr. McCamy, laid on the table for the present.

Senate bill, No. 11, to be entitled an act to exempt from taxation all houses, lots, and lands dedicated to the Worship of the Supreme Being.

Was read a second time, and on motion of Mr. Gould, referred to a select committee, consisting of Messrs. Wilson, Gould, and Evans.

Senate bill, No. 10, to be entitled an act to exempt from execution forty acres of land of every man of a family; or widow woman with a family.

Was read a second time, and on motion of Mr. Chism, it was referred to a select committee, consisting of Messrs. Chism, Mitchell, Watkins, Hampton and Reyburn.

On motion of Mr. McClain, the resolution from the House of Representatives, fixing Monday next to elect a U. S. Senator for the term of six years from the 4th of March next, was taken up and read.

Mr. McClain moved that the Senate concur in the resolution of the House.

Mr. Rector moved to amend the resolution by striking out Monday next, and insert Monday week.

Upon which motion, Mr. Clarke called for the yeas and nays.

Mr. Poindexter moved to lay the resolution and amendment on the table.

Upon which motion, Mr. Clarke called for the yeas and nays; which being ordered, were yeas 14, nays 10.

Yeas, Messrs. Burke, Dickson, Evans, Gould, Hampton, Mayfield, McCamy, Poindexter, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—14.

Nays, Messrs. Armstrong, Austell, Chism, Clarke, Flanagin, McClain, Mitchell, Underhill, Williamson, and Wilson—10.

So the resolution and amendment were laid on the table.

Mr. Armstrong moved that the Senate adjourn.

Which motion was lost.

Senate bill No. 9, to be entitled an act to alter the time of holding the courts in the 6th judicial circuit.

Was read a second time, and on motion of Mr. Poindexter, it was referred to a committee, consisting of the Senators from the 6th judicial circuit, consisting of Messrs. Poindexter, Armstrong, and Reyburn.

House bill, No. 5, to be entitled an act for the relief of Davis Thompson, sheriff and collector of Phillips county.

Was read a first time, and ordered to a second reading on Monday next.

The message from the Governor, appointing Clark B. Sartin, of Johnson county, notary public, was taken up and read, and on motion of Mr. McClain, it was referred to the committee on the judiciary.

The message from the House fixing 11 o'clock, A. M., to go into election of supreme judges', was taken up and read.

On motion of Mr. Gould, it was laid on the table for the present.

On motion of Mr. Dickson, the Senate adjourned.

R C. BYRD, *President*
of the Senate.

Monday, November 20th, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 21 Senators answered to their names.

The journal of yesterday was read and approved.

Mr. Chism introduced the following joint resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative be requested to use their endeavors to establish a mail route from Boonville, Scott county, to Robert Moffatt's, on six mill; from thence to Prairie Post-office, and from thence to Ozark, in Franklin county.

Which was read a first time, and laid on the table until to-morrow, under the rule.

Mr. Gould introduced the following:

Resolved by the General Assembly,

First. That the committee ot the two houses on banks, shall be a joint committee.

Second. That the committee of the two houses on internal improvements be a joint committee.

Which was read a first, time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the resolution read a second time and adopted and transmitted to the House of Representatives for their concurrence.

Mr. Burke, from the standing committee on elections made the following report:

Mr. President: The committee on elections, to whom was referred the memorial of William Black, praying a reconsideration of the action had on the petition of H. L. Evans to the Senate of the last session of the General Assembly, have had the same under consideration, and have instructed me to report, after a careful examination of the subject, and a patient hearing of the parties, by counsil, as follows:

The committee of the Senate of the last session of the General Assembly, on elections, predicated their report, in part, upon the depositions taken at Gainsville, Green county, on the 25th and 26th of August, and from the notice and the depositions taken under it. That committee presuming the notice to have been in accordance with the requisitions of law, could have made no other report than the one they did make. It is evident that that committee regarded Fairchilds as the attorney of Black, and hence it is, they say in their report 'that they have examined carefully the notice of H. S. Evans to William Black, and find it in accordance with the requisitions of law,' when in fact the only notice to take depositions at Gainsville, Green county, on the 25th and 26th of August, the day on which they were taken, was served on H. F. Fairchilds, as the attorney of Black, and not on Black himself, and it is proven fully and clearly before your committee by the testimony of Fairchilds himself, that he was not the attorney of Black, and that Black did not receive the notice served on him, Fairchilds, until the 27th or 28th of August, several days after the depositions were taken at Gainsville; from these facts your committee believe that deception was practised upon the committee of the Senate of the last session, and that gross injustice was thereby done William Black, the then sitting member.

Your committee find from an abstract of the poll-books, that William Black received 394 votes, and H. L. Evans received 389 votes. The committee of the last session deducts nine votes from Black as illegal, and added to Evans 2 votes. Among the number deducted they included the six votes named in the depositions taken at Gainsville on the 25th and 26th of August, to-wit: G. G. Hazel, Jno. Petty, Jackson Slyd, Jas Caker, Samuel Patterson, and Joseph Nichol, 6 votes, and added to Evans vote the 2 votes, which it is proven, voted for him, viz: Warden and Porter, but which the clerk neglected to put upon the poll-books, these votes were rejected and allowed as above, under the illegal depositions taken at Gainsville, by the committee of the last Senate.

Your committee, as before stated, believe that a deception was practised upon the committee of the last Senate to whom this matter was committed, by which they erroneously received said depositions as evidence in the case.

The committee finds that the notice to take depositions at Pocahontus, in Randolph county, was in accordence with the requisitions of law, and that the following illegal votes were cast for William Black, to-wit: David Dinkie, J. R. Haggard, and R. Glenn, (3) deducting these three illegal votes from the vote of Black, it will leave 391 votes. The votes of H. L. Evans is 389, leaving a majority of five votes in favor of William Black. It is in proof before your committee that William Black received the certificate of election as Senator from the counties of Randolph and Green, and your committee are of opinion, after a thorough investigation of the matter, that he should be returned to his seat as Senator from said district, and have instructed me to report the following:

Whereas, William Black, a Senator from the district composed of the counties of Randolph and Green, was ejected from his seat in this body, at the session of 1846, under the influence of illegal testimony; Therefore,

Resolved by the Senate of the State of Arkansas, That H. L. Evans is not entitled to the seat now occupied by him, and that William Black be reinstated therein.

All of which is respectfully submitted.

BURKE, *Chairman.*

Which report was read.

Mr. Chism moved to lay the report on the table until to-morrow.

Which motion was lost.

On motion of Mr. Armstrong, the report was adopted.

On motion of Mr. Armstrong, Mr. Black was sworn into office by Hon. Wm. Conway B, Judge of the supreme court, and took his seat.

Mr. Poindexter, from a select committee made the following report:

Mr. President: The select committee to whom was referred a bill to alter the time of holding the courts in the 6th judicial circuit, have instructed me to report and recommend the passage of the bill, with the following amendment, (to-wit) fill the blank:

In the county of Layfayette, on the 3d Monday of April and October.

In the county of Sevier, on the 1st Monday after the 4th Monday in April and October.

In the county of Pike, on the 2d Monday after the 4th Monday in April and October.

In the county of Polk, on the 3d Monday after the 4th Monday in April and October.

In the county of Montgomery, on the 4th Monday after the 4th Monday in April and October.

And in the county ot Hempstead, on the 5th Monday after the 4th Monday in April and October.

All of which is respectfully submitted.

POINDEXTER, *Chairman.*

Which report was read, and on motion of Mr. Reyburn, was adopted.

Senate bill No. 9, to be entitled an act to alter the time of holding the courts in the sixth judicial circuit, accompanying the foregoing report, was read a third time, as amended, and passed.

Mr. Rector, pursuant to previous notice, introduced a bill to be entitled an act to divide the seminary fund, and establish common schools.

Which was read a first time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Rector, the bill was ordered to be engrossed, and read a third time on to-morrow.

Message from the House of Representatives by the Clerk:

Mr. President—I am instructed to inform your honorable body that the House have concurred in the resolution of the Senate, making the committees of the two houses upon banks, and internal improvements, a joint committee.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Wilson, Mr. Black was added to the select committee, to whom was referred a bill of the Senate to be entitled an act to exempt from taxation all houses, lots, and lands dedicated to the Worship of the Supreme Being, in the place of Mr. Evans.

Mr. Flanagin, from a select committee made the following report:

Mr. President: The special committee to whom was referred an act to authorize the sale of lands belonging to James M. Matlock, dec'd; report, That they have examined the bill referred to them, and recommend its passage, with the following amendment:

Amend section 3d by adding 'which bond shall be approved by and deposited with the clerk of the probate court of Dallas county.'

FLANAGIN, *Chairman.*

Which report was read and adopted, and the bill accompanying it read a third time and passed.

Mr. Gould introduced a bill to be entitled an act to empower the county courts to appoint notary public.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second and third time and passed.

Mr. Wilson, pursuant to previous notice, introduced a bill to be entitled an act to provide for the payment of costs accruing in the State prosecution, for offences committed in, or in respect of the jail and penitentiary house of this State.

Which was read a first time and ordered to a second reading on to-morrow.

Senate bill No. 6, to be entitled an act to authorize administrators to use discretionary power, in certain cases.

Was read a third time and passed.

Senate bill No. 14, to be entitled an act to change the time of holding the county and probate courts of the county of Union.

Was read a second time.

On motion of Mr. Hampton, it was ordered to be engrossed and read a third time on to-morrow.

The resolution of the Senate, requiring the Governor to re-issue to William M. Burton, of Hempstead county, a certificate for 160 acres of land, in place of one that was lost; was read a second time and passed, and transmitted to the House of Representatives for their concurrence.

The resolutions from the House of Representatives to amend the constitution of the State, were taken up.

The 1st resolution was read a second time.

Mr. Flanagin moved to refer it to the committee on the judiciary.

Upon which motion Mr. Simpson called for the yeas and nays; which being ordered, were yeas 6, nays 17.

Yeas, Messrs. Burke, Clarke, Flanagin, McClain, Poindexter, and Underhill—6.

Nays, Messrs. Armstrong, Austell, Black, Chism, Dickson, Gould, Mayfield, McCamy, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, Williamson, Wilson, and Mr. President—17.

So the motion to refer the resolution was lost.

The resolution was then ordered to a third reading on to-morrow, by the following vote:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Clarke

Dickson, Gould, Hampton, Mayfield, McCamy, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—21.

Nays, Messrs. McClain, and Rector—2.

Mr. Flanagin asked to be, and was excused from voting.

The 2nd resolution was read a second time, and ordered to a third reading on to-morrow, by the following vote:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Clarke, Dickson. Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reybutn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—23.

The Senator voting in the negative, is Mr. Rector—1.

The third resolution was read a second time, and ordered to a third reading by the following vote:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism. Clarke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—24.

The fourth resolution was read a second time, and ordered to a third reading by the following vote:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—22.

Nays, Messrs. Clarke, and McClain—2.

The fifth resolution was read a second time, and ordered to a third reading by the following vote:

Yeas, Messrs. Armstrong, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—23.

The Senator voting in the negative is Mr. Austell.

Message from the House of Representatives by the clerk:

Mr. President—I have the honor to inform your honorable body, that the House of Representatives have passed the following resolution:

Resolved, That a joint committee, consisting of one from the Senate, and two from the House of Representatives, be appointed to visit and examine the condition of the branch of the Real Estate Bank, at Helena, and that they report to this session of the Legislature.

In which the Senate is respectfully asked to concur.

Messrs. Martin and Berry, are appointed on the part of the House.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Gould, the Senate adjourned.

Tuesday, November 21, 1848

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 22 senators answered to their names.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have passed the following bills, to-wit:

House bill No. 7, to be entitled an act to constitute James Maxey the lawful heir of Walter Maxey.

House bill No. 16, to be entitled an act to declare War Eagle, in Washington county, a navigable stream.

House bill No. 19, to be entitled an act to change the military road in Hempstead county.

House bill No. 9, to be entitled an act for the relief of B. H. Blount, of Conway county.

House bill No. 20, to be entitled an act to change the time of holding the probate court of Poinsett county.

House bill No. 11, to be entitled an act to exempt certain property from taxation.

House bill No. 8, to be entitled an act for the relief of Benj. F. Woodruff, adm'r, and Margarett Pierce, an administratrix of John Pierce, dec'd.

To which the assent of your honorable body is respectfully asked.

The House of Representatives have also passed the following Senate bills:

Senate bill No. 2, to be entitled an act to change the name of Josephine Gwinn to Josephine Maxey.

And Senate bill No. 8, to be entitled an act to change the time of holding the county courts of Scott county, with an amendment thereto, to which the assent of your honorable body is respectfully asked.

All of which are herewith returned.

The House have concurred in the joint resolution of the Sente, empowering the Governor to issue Wm. M. Burton a certificatefor 160 acres of land; which is herewith returned.

The House have passed the following resolution:

Resolved, That the two houses meet in convention on Friday the 22nd inst. at 11 o'clock, A. M., to elect two judges of the supreme court, to fill the vacancy occasioned by the resignation of the Hon. W. S. Oldham, and the other for the constitutional term of eight years; and that the Senate are requested to concur herein.

To which the assent of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Senate bill No. 15, to be entitled an act to divide the seminary fund, and to establish common schools.

*W*as read a third time.

On motion of Mr. *W*illiamson, 25 copies of the bill was ordered to be printed.

On motion of Mr. Flanagin, the vote taken on ordering 25 copies of the bill printed was reconsidered.

On motion of Mr. Clarke, the secretary of the Senate was ordered to have 100 copies of the bill printed, for the use of the two houses.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have adpoted the following resolutions:

Resolved, That this house has heard with profound sorrow the much lamented death of Col. John H. Strong, a member of the House of Representatives from the county of Johnson.

2. That in expression of our high regard and respect for the memory of the deceased, we will wear the usual badge of mourning for 30 days.

3. *Resolved,* That the clerk of the House of Representatives transmit a copy of these resolutions to the bereaved family of the dec'd; and that the Senate be requested to concur herein.

The House of Representatives have unanimously adopted the following preamble and resolutions:

Whereas, Louis R. *W*ells, Esq., a Representative of this House from the county of Fulton, hath departed this life,

Therefore, be it resolved by the house that whilst we bend with becoming humility to the inscrutable decree of Providence, we profoundly deplore the death of a brother member, who by his modesty, industry, and respectful bearing, had gained the esteem of the whole house.

Resolved, That as a testimony of respect we will wear the usual badge of mourning for 30 day.

Resolved, That the clerk communicate to the bereaved family of the deceased the sincere and heartfelt sympathy of this house in the loss which they have sustained.

In which the concurrence of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. McClain, the resolutions from the house, relating to the deceased Hon. John H. Strong, were read, and unanimously concurred in by the Senate, and the House informed thereof.

On motion of Mr. Simpson, the preamble and resolutions of the

House, relating to the deceased, Hon. Lewis R. Wells, were read and unanimously concurred in by the Senate, and the House informed thereof.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed the following resolution:

Resolved, That the House appoint a committee of arrangements to act in conjunction with such committee as may be appointed on the part of the Senate, to make arrangements for the burial of Col. John H. Strong, and Lewis R. Wells, Esq., late member of the House of Representatives.

In Which the concurrence of the Senate is respectfully asked.

The committee on the part of the House, are Messrs, Collins, Berry, Bumpas, Farmer, Fletcher, Flournoy, Sadler, Stirman, Riggs, Watson, Ederington, and Hensley.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

On motion of Mr. Armstrong, the resolution of the House was concurred in by the Senate.

And on further motion of Mr. Armstrong, Mr. President appointed Messrs. Armstrong, McClain, Hampton, Burke, Simpson, and Shaw, a committee on the part of the Senate, to act in conjunction with the committee of arrangements on the part of the House.

And the House informed thereof.

On motion of Mr. Dickson, the Senate adjourned.

Wednesday, November 22d, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, twenty Senators answered to their names.

On motion of Mr. Armstrong, the reading of the journal was dispensed with.

On motion of Mr. McClain, Mr. Gould was made chairman of the committee on Banks, instead of himself.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report.

Mr. President: The committee on enrolled bills have examined an act to change the name of Josephine Gwinn to the name of Josephine Maxcy, and to constitute her a lawful heir to the estate of John Maxcy and Olevia C. Maxcy, his wife.

Also, a resolution requiring the Governor to reissue to Wm. M. Benton, a certificate for 160 acres of land, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. Armstrong, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Thursday, Nov. 23d, 1848.

The chair ordered a call of the Senate; the roll being called, seventeen Senators answered to their names.

Prayer by the Rev. Mr. Green.

The journal of the 21st and 22d was read and approved.

Mr. Poindexter presented a petition, signed by John Anderson, of Hempstead county, praying the General Assembly to grant him the privilege of hawking and pedling goods, wares and merchandize throughout the State, without paying a State or county tax for the privilege.

Which was read.

Mr. Poindexter introduced a bill to be entitled "An act for the relief of John Anderson."

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Reyburn presented the petition of William B. Borden, Esq., late sheriff of Pulaski county, setting forth, that on the 7th day of March, 1846, there was placed in his hands, an execution in favor of the State of Arkansas, against Thomas Thorn, and James Lawson and Richard C. Byrd, his securities, for a sum of over $1,000; that he had, in his hands, another execution against said Thorn, and James DeBaun; that he levied said executions on property belonging to said Thorn, which he sold on the 20th April, 1846, for the sum of $200 25, one half of which was to go to the State execution; that James Lawson, one of the defendants in the State execution bid off the property, and represented that as he was bound for the whole debt, at all events, he would, at once, pay the whole debt, which he wholly failed to do, or to pay the amount of his bid; that on the second day of November, 1848, the States Attorney recovered judgment against said Borden, and his securities, for

$425 89 damages, for not paying over the money bid on said executions, of $100 12½; that he is without hope of remedy, unless relieved by the General Assembly.

He, therefore, prays the passage of an act relieving him from all damages, and that upon the payment of said sum of $100 12½, with interest thereon from the 20th April, 1846, that satisfaction of said judgment against him and his securities be entered.

Which petition was read.

Mr. Reyburn introduced a bill to be entitled "an act for the relief of William B. Borden, late sheriff of Pulaski county."

Which was read a first time.

On motion of Mr. Reyburn, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Reyburn, the bill and petition was referred to the committee on the Judiciary.

Mr. Rector presented the pitition of H. L. Evans, Esq., of Green county, praying a reconsideration of the vote taken in the Senate, on Monday last, depriving him of his seat as Senator from the counties of Randolph and Green.

Which was read, and on motion of Mr. Rector, it was referred to the committee on Memorials.

Mr. Clarke introduced the following resolution.

Resolved, That our Senators be instructed and our Representative requested, to use all proper exertions with the Post Master General, to procure a change of mail service and transportation between Little Rock and Batesville, in Independence county, so as to change it from a tri-weekly horse service, to tri-weekly stage line, in four horse post coaches.

Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, the bill read a second time and adopted.

Mr. Underhill introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in the Congress of the United States be instructed, and our Representative in Congress requested, to procure, if possible the establishment of a weekly mail route, by steamboat, from Napoleon, in the State of Arkansas, to New Madrid in the State of Missouri, touching at all the post offices on either bank of the Mississippi river, now or hereafter to be established by law, in lieu of the land routes by horse now in operation on the banks of the Mississippi river.

Which was read.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. McClain introduced a bill to be entitled "an act to authorize the Judges of the circuit courts to hold courts for each other, and for other purposes."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Gould introduced a bill to be entitled "an act supplemental to an act to incorporate the Arkansas Rail Road and Transportation Company."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Gould, the resolutions from the House, to amend the Constitution of the State, were taken up.

The first resolution was read a third time, and adopted, by the following vote, as part of the Constitution of the State of Arkansas:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—22.

Nays, Messrs. McClain and Rector—2.

The second resolution was read a third time and adopted by the following vote, as a part of the Constitution of the State of Arkansas:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—23.

Mr. Rector voted in the negative.

The third resolution was read a third time, and adopted by the following vote, as a part of the Constitution of the State of Arkansas:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Clarke, Dickson, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—23.

The fourth resolution was read a third time and adopted by the following vote as a part of the Constitution of the State of Arkansas:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—20.

Nays, Messrs. Chism, Clarke, McClain, and Rector—4.

The fifth resolution was read a third time and adopted, by the following vote, as a part of the Constitution of the State of Arkansas:

Yeas, Messrs, Armstrong, Austell, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—24.

Senate bill, No. 17, to be entitled "an act to provide for the payment of costs accruing in the State prosecutions for offences committed in, or in respect of, the jail and penitentiary house of this State."

Was read a second time.

On motion of Mr. Wilson, the bill was ordered to be engrossed, and read a third time on to-morrow.

On motion of Mr. McCamy, the vote taken on Mr. Wilson's motion was reconsidered.

On motion of Mr. Wilson, the bill was referred to the committee on the Judiciary.

The resolution instructing our Senators and requesting our Representative, to use their endeavors to establish a mail route from Boonville, in Scott county, to Robert Moffatt's, on Six Mill; from thence to Prairie post office, and from thence to Ozark, in Franklin county.

Was read a second time and adopted, and transmitted to the House of Representatives.

The bill, No. 14, to be entitled "an act to change the time of holding the county and probate courts of the county of Union.

Was read a third time and passed.

Senate bill, No. 15, to be entitled "an act to divide the seminary fund and to establish common schools."

Was read a third time, and on motion of Mr. Armstrong, referred to the committee on Education.

The first message received from the House of Representatives on Tuesday, the 21st inst., was taken up and read.

The resolution from the House, fixing Friday to go into the election of Supreme Judges, was, on motion of Mr. Gould, laid on the table until Monday next.

The resolution from the House, appointing a select committee to examine into the condition of the Branch of the Real Estate Bank, at Helena, was read, and on motion of Mr. Mitchell, laid on the table for the present.

House bill, No. 11, to be entitled "an act to exempt certain property from taxation."

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 8, to be entitled "an act for the relief of Benjamin F. Woodruff, administrator, and Magaret Pierce, administratrix of John Pierce, deceased."

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 9, to be entitled "an act for the relief of B. H. Blount, of Conway county."

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 19, to be entitled "an act to change the military road in Hempstead county."

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 16, to be entitled "an act to declare War-Eagle, in Washington county, a navigable stream."

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 7, to be entitled "an act to constitute James Maxcy the lawful heir of Walter Maxcy,"

Was read a first time.

On motion of Mr. Mitchell, the rules of the Senate were dispensed with and the bill read a second time.

And on further motion of Mr. Mitchell, the bill was referred to a select committee, consisting of Messrs. Mitchell, Black, and Shaw.

Senate bill, No. 8, to be entitled "an act to change the time of holding the county court of Scott county," was taken up; the amendment of the House, to the same, was read and concurred in by the Senate, and the House of Representatives informed thereof.

On motion of Mr. Chism, Mr. Rector was added to the committee on Memorials, instead of Mr. Evans.

On motion of Mr. Dickson, Mr. Reyburn was added to the committee on Claims.

House bill, No. 20, to be entitled "an act to change the time of holding the probate court of Poinsett county."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. McCamy, the 7th resolution, passed at the last session of the General Assembly, to amend the Constitution of the State was taken up and read.

On motion of Mr. Rector, it was referred to the committee on the Judiciary.

Mr. Armstrong introduced the following resolution:

Resolved, by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed and our Representative be requested, to use every exertion to obtain the passage of a law authorizing a mail route from Fulton, in Hempstead county, Arkansas, to Laynesport, Sevier county, Arkansas, and to establish post offices on said route.

Which was read a first time, and laid on the table one day, under the rule.

On motion of Mr. Simpson, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Friday, November 24th, 1848.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called 22 Senators answered to their names.

The Journal of yesterday was read and approved.

Message from the House of Representatives by their clerk:

Mr. President—I have the honor to present for the signatures of the members of your honorable body, the five amendments to the Constitution of this State, proposed by the last General Assembly.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Black, Mr. Samuel N. Flinn was elected door-keeper *pro tem.* of the Senate, to act during the indisposition of Col. Isaac J. Horwad.

Who was sworn into office, and entered on the discharge of his duties.

The resolutions to amend the Constitution of the State of Arkansas reported from the House of Representatives, were signed by the members of the Senate, and returned to the House.

Mr. Poindexter introduced the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of reducing the number of judicial circuits in the State, by adding additional counties to the same, and increasing the salaries of the circuit court Judges; and also providing that they interchange with each other throughout the State, so that no Judge shall preside more than once on the same circuit, in any one year; and also inquire whether the judiciary system as it now exists, does not require other modifications, and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Gould, Mr. Clarke was added to the committee on Banks.

Mr. Clarke introduced the following resolution:

Resolved, That the committee on Internal Improvement be instructed to inquire into the utility of a State road from the Missouri line, via Bentonville, in Benton county, Fayetteville, in Washington county, Van Buren, in Crawford county, Waldron, in Scott county, Dallas, in Polk county, and thence to Laynesport, Sevier county, on Red river; and that they be further instructed to inquire into the expediency of setting apart and appropriating so much of the Internal Improvement fund as will be required to construct such road.

Which was read and adopted.

Mr. Clarke introduced the following resolutions:

Resolved by the General Assembly of the State of Arkansas, That they do propose the following amendment to the Constitution of this State, to wit:

1st. That the qualified voters of the State of Arkansas shall elect the Secretary of State, Auditor of Public Accounts, and Treasurer.

2d. That all officers of the militia shall be elected by the persons subject to militia duty in the several divisions, brigades, and regiments, and companies.

3d. That Crawford county may be divided into two counties, whenever a majority of the voting population of said county may desire such division.

Which were read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the resolutions read a second time.

And on further motion of Mr. Clarke, they were referred to the committee on the Judiciary.

Mr. Underhill, from the committee on Public Printing, made the following report:

Mr. President: The committee on Public Printing, acting jointly with the committee of the House of Representatives, as constituted by joint resolution of the two houses of the General Assembly, for the purpose of receiving proposals and contracting with the lowest bidder for the printing of the present General Assembly, and such other printing as the public service may require previous to the meeting of the next General Assembly, have performed the duty assigned them; and I am instructed to report, that G. B. Hayden, proprietor of the State Gazette, in this city, being the lowest bidder, the committee have entered into contract with him, taking bond with security for the faithful performance of the contract, which bond is herewith presented.

UNDERHILL, *Chairman,*
on the part of the Senate.

The bond and proposals for printing were read, as follows:

Know all men, by these presents, that we, George B. Hayden, F. W. Trapnall, and A. Fowler, are jointly and severally bound, unto the State of Arkansas, in the sum of ten thousand dollars, for the payment which, well and truly to be made, we bind of ourselves, our heirs, &c.

Saled with our seals, and dated this the 24th day of November, 1848.

The condition of the above obligation is this, that whereas, "the joint committee of the two houses of the General Assembly, on Public Printing," appointed by the two houses under the following resolution, "*Resolved, by the General Assembly of the State of Arkansas,* That the committee appointed by the Senate and House of Representatives on Public Printing, be a joint committee, whose duty it shall be, to receive proposals, and contract with the lowest bidder for such printing, as the public service may require, previous to the meeting of the next General Assembly, and that such joint committee, take bond with sufficient security, in the name of the State, for the faithful performance of the contract," did let out the public printing to the said George B. Hayden; he, the said Hayden, being the lowest bidder, and agreeing to do the public printing, for the State of Arkansas, upon the terms, and for the prices set down in the "proposals" marked "A," hereto annexed.

Now if the said George B. Hayden shall perform the said work, in a neat, correct, and faithful manner, and in all respects, faithfully and fully comply with his contract as public printer, then this obligation to be void, but otherwise to have full force and virtue.

G. B. HAYDEN, [L. s]
F. W. TRAPNALL, [L. s.]
A. FOWLER, [L. s.].

PROPOSALS FOR THE BUBLIC PRINTING.

For printing the Acts passed by the present General Assembly, on small pica type, on a medium octavo page, (the same size as the Acts of the last session,) and on fine white paper, per page, for five hundred copies,	1 75
For each succeeding 500 copies, or any less number, per page,	59
For printing 500 copies of the Journals of the present General Assembly, on small pica type, on a medium octavo page, (same size as the Journals of last session, and on fine white paper, per page,	1 37½
For each succeeding 500 copies, or a less number, per page,	59
For printing Index, Table of Contents, and Head Notes, to Acts, in Brevier type, pages of the same size as the text, per page,	1 80
Title pages, and all necessary blank pages, to be subject to the same charge per page as the body of the work.	
Pages, containing rule and figure work, or requiring extra labor, will be subject to an extra charge, which in no case, will exceed double the price of plain work, on the same type.	
For printing Bills for the General Assembly, on good foolscap paper, on small pica type, and on a page 72 M's (11¾ inches) long, by 37 M's (5½ inches) wide, the following rates, for 25 copies:	
One page on a half sheet,	2 20
Two " " " "	3 45
Three " " whole "	4 60
Four " " " "	5 90
For each succeeding half or whole sheet, in the same proportion.	
For any number of Bills exceeding 25, per quire,	90
For printing foolscap or quarto post blanks, on type not smaller than small pica, the following rates, for the first quire:	
One page and 1 on a whole sheet,	2 30
One " " 2 " " " (one on each half sheet,)	4 25
One " " 1 " half sheet,	1 60
Two " " " " "	2 56
Three " " " whole sheet,	5 18¼
Four " " " " "	6 12½
Broadside blanks to be charged double the price of a single page.	
For each succeeding quire of either kind of blanks,	90
Blanks containing rule and figure work or requiring extra labor, in the composition, to be subject to an extra charge, for the first quire, not to exceed double the price of plain work.	
For publishing proclamations of the Governor, or other executive or official advertising, for the State, in the Arkansas State Gazette, a deduction of fifty per cent. on the regular rates of advertising. The above prices include the expenses of paper, folding, and stitching, and are predicated on being paid in specie, or its equivalent.	

I agree to do the above mentioned printing for the prices therein specified, in a neat and workmanlike manner.

G. B. HAYDEN,
Editor and Proprietor.

Which report was read.

Mr. Rector moved to lay the report on the table for the present.

Which motion was lost.

On motion of Mr. Hampton, the report of the committee was adopted; and the bond, contract, and report, transmitted to the House for their action.

Mr. Rector asked to be, and was excused from serving on the committee on Public Printing.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: The committee on Enrolled Bills have handed to the Governor, for his approval, "an act to change the name of Josephine Gwinn to that of Josephine Maxcy, and to constitute her a lawful heir to the estate of John Maxcy and Olivia C. Maxcy, his wife;" also a resolution requiring the Governor to re-issue to Wm. M. Burton, a certificate to 160 acres of land.

MITCHELL, *Chairman.*

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: The committee on Enrolled Bills have examined "an act to change the time holding the county court of Scott county," and find the same correctly enrolled.

MITCHELL, *Chairman.*

Mr. Mitchell, from a select committee, made the following report:

Mr. President: The select committee to whom was referred "an act to constitute James Maxcy, of Newton county, the legal heir of Walter Maxcy," have had the same under consideration, and have instructed me to report the same back, with the following amendment, and recommended its passage, to wit: strike out the words "legitimate son" in the 4th and 5th line of the 1st section, and insert in lieu thereof the words "lawful heir."

All of which is respectfully submitted.

MITCHELL, *Chairman.*

Which report was read and adopted, and the bill read a third time and passed.

Mr. President laid before the Senate the following communication from his excellency, Tho's S. Drew, Governor of the State of Arkansas:

EXECUTIVE OFFICE, LITTLE ROCK,
23d Nov., 1848.

Hon. Rich. C. Byrd, President of the Senate:

SIR: Having announced, this day, to the Speaker of the House of Representatives, my unalterable determinaton to resign the office of Governor, to which I have been so recently elected, I take occasion to inform you also of that fact.

To prevent any inconvenience in the business of the session, I have fixed upon the day of your final adjournment, as the time best suited to the public interest, to send in my resignation, of which you will please be assured.

With sentiments of the highest regard for the body over which you preside, as well as to you personally, I am sir, most respectfully,

THO'S S. DREW.

Which was read, and on motion of Mr. McClain, ordered to be spread upon the journal.

Mr. Chism introduced a bill to be entitled "an act to distribute the Internal Improvement fund among the several counties of the State."

Which was read a first time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Rector moved that 100 copies of the bill be printed.

Mr. Gould moved to refer the bill to the committee on Internal Improvement.

Which motion was lost.

The question was then taken on Mr. Rector's motion to print, and it prevailed.

Mr. Underhill introduced a bill to be entitled "an act to change the mode of voting in this State."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Hampton introduced a bill to be entitled "an act to distribute the Digest of the Statutes of Arkansas.' "

Which was read a first time and ordered to a second reading on to-morrow.

Mr. McClain introduced a bill to be entitled "an act to authorize judges of the circuit courts, within their own circuits, to issue writs of certiorari and supersedeas in certain cases pending before justices of the peace."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Hampton introduced a bill to be entitled "an act to amend sec. 11, of chapter 145, of the Digest of the Statutes of Arkansas, under the head of "schools and school laws."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Underhill introduced a bill to be entitled "an act to repeal the 8th section of the 5th article of the 51st chapter of the Digest of the Statutes of Arkansas, under the head of Sabbath Breaking.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Armstrong introduced the following resolution:

Resolved, That the two houses of this General Assembly will meet in convention, on Saturday, the 25th day of November, 1848, at 11 o'clock P. M., for the purpose of electing two judges of the Supreme Court; one to fill out the unexpired term of the Hon. W. S. Oldham; the other for the term prescribed in the Constitution; and also Secretary of State.

Which was read.

On motion of Mr. Armstrong, the rules of the Senate were dispensed with, and the resolution taken up and read.

On motion of Mr. Dickson, it was laid on the table until Monday next.

The resolution of the Senate instructing our Senators and requesting our Representative in Congress, to use their exertions to obtain the passage of a law, authorizing a mail route from Fulton, in Hempstead county, Arkansas, to Laynesport, Sevier county, Arkansas, and to establish post offices on said route.

Was read a second time and passed.

Senate bill, No. 20, to be entitled "an act to authorize the Judges of the circuit courts to hold courts for each other, and for other purposes."

Was read a second time.

On motion of Mr. Poindexter, the bill was referred to the committee on the Judiciary.

Senate bill, No. 21, to be entitled "an act supplemental to an act to incorporate the Arkansas Rail Road and Transportation Company."

Was read a second time; and on motion of Mr. Gould, referred to the committee on Internal Improvements."

Senate bill, No. 18, to be entitled "an act for the relief of John Henderson."

Was read a second time; and on motion of Mr. Poindexter, referred to the committee on Memorials.

House bill No. 19, to be entitled an act to change the military road in Hempstead county.

Was read a second time, and ordered to a third reading on to-morrow.

House bill No. 9, to be entitled an act for the relief of B. H. Blount, of Conway county.

Was read a second time.

On motion of Mr. Williamson, the bill was laid on the table for the present, as Mr. Maxwell was absent from his seat on account of indisposition.

House bill No. 8, to be entitled an act for the relief of Benj. F. Woodruff, adm'r, and Margarett Pierce, an administratrix of John Pierce, dec'd.

Was read a second time, and on motion of Mr. McCamy, referred to a select committee; consisting of Messrs. McCamy, Shaw, and Watkins.

House bill No. 11, to be entitled an act to exempt certain property from taxation.

Was read a second time, and on motion of Mr. Gould, it was laid on the table for three months.

House bill No. 16, to be entitled an act to declare War Eagle, in Washington county, a navigable stream.

Was read a second time, and on motion of Mr. Dickson, laid on the table for the present.

House bill No. 20, to be entitled an act to change the time of holding the probate court of Poinsett county.

Was read a second time, and ordered to a second reading on to-morrow.

Mr. Underhill moved that the Senate adjourn, which motion was lost.

Mr. Flanagin introduced a bill to be entitled an act concerning the printing of the Governor's message and accompanying documents.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Flanagin introduced a bill to be entitled an act to change the judicial circuits of this State.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the bill was referred to a select committee, consisting of Messrs. Flanagin, Mitchell, McCamy, Watkins, Underhill, Armstrong, Wilson and Rector—8.

Mr. Wilson, from a select committee, made the following report:

Mr. President: The select committee to whom was referred an act to exempt from taxation all houses, lots, and lands, dedicated to the worship of the Supreme Being, have the honor to report a separate and distinct bill in lieu thereof, to wit: a bill to be entitled an act to exempt churches from taxation.

C. W. WILSON, *Chairman.*

Be it enacted by the General Assembly of the State of Arkansas, That from and after the passage of this act, any and all buildings which may be used exclusively for the worship of the Supreme Being, and any quantity of land adjoining and belonging thereto, not exceeding one half acre, shall be exempt from State and county tax.

Which report was read and adopted.

The substitute for the original bill, accompanying the above report, was read a first time and ordered to a second reading on tomorrow.

On motion of Mr. Shaw, the Senate adjourned.

J. GOULD, *President pro tem.*

Saturday, November, 25th, 1848.

The Senate met pursuant to an adjournment.

Prayer by Rev. Mr. Green.

Mr. Gould took the chair as President pro. tempore; *M*r. Presisident being confined to his room on account of indisposition.

On motion of Mr. Mayfield, Mr. Poindextion was called to the chair, until the sense of the Senate could be taken; whether the election of Mr. Gould, as President pro. tem., on the 10th inst., should be deemed an election for the President pro. tem., during the session of the Senate, or for the present.

The qoestion was stated from the chair, and decided that *M*r. Gouln act as President, pro. tem. during the session when Mr. President is not present to occupy the chair.,

Mr. President pro. tem., ordered a call of the Sente, the roll was called, and 21 Senators answered to their names.

Journal of yesterday was read and approved.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the house have passed the following resolution:

Resolved, That the two houses of the General Assembly meet in the Hall of the House of Representatives, on Saturday the 25th inst., at 11 o'clock, A. M., and on joint vote proceed to the election of a judge of the supreme court, as successor to the Hon. William Conway B., and also a judge of the supreme court to fill the vacancy occasioned by the resignation of Hon. Williamson S. Oldham; and also secretary of State.

In which the concurrence of the Senate is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by their clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have passed at bill to be entitled an act to enforce the punishment of offences within the jurisdiction of justices of the peace.

Which is herewith transmitted for the assent of the Senate.

The House has assented to the bill of the Senate, to be entitled an act to provide for the collection of revenue due from certain counties, with an amendment thereto; in which the concurrence of the Senate is respectfully asked.

The House have assented to the bill of the Senate, to be entitled an act to authorize the sale lands belonging to James M. Matlock dec'd, in his lifetime.

Which are herewith returned.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have examined a joint resolution, authorizing the joint committoe of the two houses to contract with the lowest bidder for the printing of the present General Assembly, and such other public service may require previous to the meeting of the next General Assembly, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Mr. Armstrong moved to take up the resolution, from the House of Representatives, fixing to-day to go into the election of Supreme Judges and Secretary of State, and concur in the same.

Which motion was lost.

Mr. Williamson, from the committee on public roads, made the following report:

Mr. President: The committee on public roads, to whom was referred the Senate bill No. 7, to amend the road laws; have had the same under consideration, and have instructed me to report the bill back to the Senate, with the following amendments, and recommend the passage of the bill and amendments.

All of which is respectfully submitted.

WILLIAMSON, *Chairman.*

Amend by adding the following sections, commencing after the 3d section of the original bill, to-wit:

Sec. —. *Be it further enacted,* That if any overseer fails to prosecute defaulters as the law directs, it shall be lawful for any person that is liable to work on said road to apply to a justice of the peace; and such justice is hereby required to issue a summon against such overseer requiring him to appear and show cause why the defaulters were not prosecuted; and if such overseer fails to appear and show cause, such justice shall give judgment, with costs against him for as much as the fines would have amounted to, at not more than two dollars, nor less than one dollar for each defaulter; and when collected, shall be applied by the overseer to hiring hands to work on said road.

Sec. —. *Be it further enacted,* That if any defaulter shall, within five days after the day the overseer has appointed to work on any public road, appear before a justice of the peace, and render a good and sufficient excuse before said justice of the peace, who shall give the defaulter a certificate, certifying the same to the overseer.

Sec. —. *Be it further enacted*, That the constable in each township shall be required to carry the returns of all elections to the county clerk, and shall be exempted from working on public roads.

Which report was read and adopted.

On motion of Mr. Williamson, the bill, as amended, was ordered to be engrossed.

Mr. Watkins, from the committee on memorials, made the following report:

Mr. President: The committee on memorials to whom was referred the memorial of H. L. Evans, praying a reconsideration of the vote taken in the Senate on the 21st inst. on the adoption of the report from the committee on elections; have had the same under consideration, and have instructed me to report that the committee is of opinion that the only matter contained in the referrence made, is whether or not, the Senate shall not dispense with the rules for the purpose of reconsidering a vote taken after the time had expired with which the rules require motions to reconsider, to be made; the committee is of opinion that this is a matter which cannot rightfully be decided, except by the Senate in session; and therefore, ask leave to report the memorial back to the Senate, and to be discharged from the further consideration of the same.

WATKINS, *Chairman.*

Which report was read and adopted.

Mr. Black moved to reconsider the vote taken on Mr. Armstrong's motion to adopt the resolution from the House of Representatives, to go into the election of Supreme Judges and Secretary of State.

Upon which motin, Mr. Mayfield called for the yeas and nays; which being ordered, were years 13, nays 8.

Yeas, Messrs. Armstrong, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, McClain, Simpson, Watkins, Williamson, and Wilson—13.

Nays, Messrs. Austell, Mayfield, McCamy, Mitchell, Poindexter, Reyburn, and Underhill—8.

So the motion to reconsider the vote was sustained.

On motion of Mr. Armstrong, the resolution was taken up and read.

Mr. Black moved to amend, by striking out the words 'Secretary of State.'

Which motion prevailed.

Mr. Poindexter moved to amend by striking out 'Saturday,' and inserting 'Tuesday next.'

Which motion prevailed.

Mr. Clarke offered the following amendment:

Strike out all after the word 'resolution,' and insert in lieu thereof the following:

That the two houses of the General Assembly meet on Tuesday 28th inst., to elect an U. S. Senator to fill the term of six years, commencing on the 4th of March next; also to elect a Judge of the Supreme Court for eight years, successor to the Hon. Wm. Conway B; also a Supreme Judge to fill the vacancy occasioned by the resignation of the Hon. W. S. Oldham.

Which was read.

Mr. Armstrong moved to lay the amendment on the table.

Upon which motion, Mr. Clarke called for the yeas and nays, which being ordered were yeas 9, nays 12.

Yeas, Messrs, Armstrong, Black, Hampton, Mayfield, McCamy, Poindexter, Shaw, Watkins, and Wilson—9.

Nays, Messrs. Austell, Burke, Chism, Clarke, Dickson, Gould, McClain, Mitchell, Reyburn, Simpson, Underhill, and Williamson —12.

So the motion to lay the amendment on the table was lost.

The question was then taken on the adoption of the amendment, and it was adopted.

Mr. Clarke called for the yeas and nays, on the adoption of the resolution from the House, as amended; which being ordered were yeas 14, nays 7.

Yeas, Messrs. Austell, Burke, Chism, Clarke, Dickson, Gould, McClain, Mitchell, Reyburn, Simpson, Underhill, Watkins, Williamson, and Wilson—14.

Nays, Messrs. Armstrong, Black, Hampton, Mayfield, McCamy, Poindexter, and Shaw—7.

So the resolution, as amended, was adopted.

Mr. Poindexter, from a select committee made the following report:

The joint select committee to whom was referred that portion of the Governor's message recommending the calling of a convention to amend the constitution of the State; have taken the subject under consideration, and instructed me to report the accompanying bill, and recommend its passage.

POINDEXTER, *Chairman.*

Which report was read and adopted.

The bill accompanying the above report, to be entitled an act to provide for taking the sense of the people in referrence to calling a convention.

Was read a first time and ordered to a second reading on Monday next.

Mr. Poindexter, from a select committee, made the following report:

The select committee, to whom was referred that portion of the Governor's message, relating to the Hot Springs, after having the subject under consideration, have instructed me to report and recommend the adoption of the accompanying resolution.

POINDEXTER, *Chairman.*

Resolved, That our Senators in Congress be instructed, and our Representative requested, to use their best exertions to procure the passage of an act of Congress, conferring the title to four sections of land, including the Hot Springs, to the State of Arkansas, for common school purposes, under such restrictions as regards the free use of the water as may be throught proper to prescribe.

Which was read a first time, and ordered to lie on the table on one day under the rule.

Senate bill No. 11, to be entitled an act to exempt churches from taxation.

Was read a second time, and on motion of Mr. Mitchell, referred to the committee on the judiciary.

Senate bill No. 28, to be entitled an act concerning the printing of the Governor's message and accompanying documents.

Was read a second time.

Mr. Mitchell moved to lay the bill on the table.

Which motion was lost.

On motion of Mr. Underhill, the bill was referred to the committee on public printing.

Senate bill No. 27, to be entitled an act to repeal the 8th section of the 5th article, of the 51st chapter of the Digest of the Statutes of Arkansas, under the head of Sabbath breaking.

Was read a second time, and on motion of Mr. Austell, referred to the committee on the judiciary.

Senate bill No. 26, to be entitled an act to amend section 11, of chapter 145, of the digest of the statutes of Arkansas, under the head of schools and laads.

Was read a second time; and on motion of Mr. Williamson, referred to the committee on education.

Senate bill No. 25, to be entitled an act to distribute the Digest of the Statutes of Arkansas.

Was read a second time.

Mr. Underhill moved to have 100 copies of the bill printed.

Senate bill No. 24, to be entitled an act to change the mode of voting in this State.

Was read a second time, and on motion of Mr. Underhill, referred to the committee on educations.

Senate bill No. 22, to be entitled an act to authorize judges of the circuit courts, within their own circuits to issue writs of certiorari and supersadeis, in certain cases pending before justices of the peace.

Was read a second time, and on motion of Mr. Austell, referred to the committee on the judiciary.

House bill No, 20, to be entitled an act to change the time of holding the probate court of Poinsett county.

Was read a third time and passed.

House bill No. 19, to be entitled an act to change the military road in Hempstead county.

Was read a third time.

Mr. McClain moved te strike out 'military,' in the 4th line of the 1st section, and insert 'public.'

Mr. Poindexter moved to amend the amendment, by striking out the word 'military,' and inserting in lieu thereof, the words 'public road, commonly called a military road.'.

Which amendment was accepted by Mr. McClain.

The amendment was then adopted, and the bill, as amended, passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval a resolution on Public Printing.

Also, an act to change the time of holding the county courts of Scott county.

WM. C. MITCHELL, *Chairman.*

The amendment of the House to the bill of the Senate, to be entitled an act to provide for the collection of revenue, due from certain counties.

Was read and concurred in by the Senate, and the House informed thereof.

House bill No. 18, to be entitled an act to enforce the punishment of offences within the jurisdiction of justices of the peace.

Was read a first time and ordered to a second reading on Monday next.

On motion of Mr. Mitchell, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Monday, November 27th, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 20 Senators answered to their names.

The journal of yesterday was read and approved.

Mr. Mitchell, from the committee on enrolled bills made the following report:

Mr. President: The committee on enrolled bills have examined An act providing for the collection of revenue due from certain counties.

Also, an act to authorize the sale of certain lands belonging to James M. Matlock, dec'd, in his lifetime.

And find the same correctly enrolled.

MITCHELL, *Chairman.*

On motion of Mr. Poindexter, the vote taken on the report of the select committee, to whom was referred that part of the Governor's message, relating to the Hot Springs of Arkansas, and the resolution accompanying it, was reconsidered.

And on further motion of Mr. Poindexter, the report and resolution were referred back to the same select committee, consisting of Messrs. Poindexter, Underhill, Wilson, Rector, Chism, Williamson and Reyburn.

Mr. Williamson introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That no new bill or resolution, shall be introduced in either house after the twelfth day of December next; and the House of Representatives be asked to concur therein.

Which was read, and ordered to lie on the table one day, under the rule.

Mr. McCamy, from the committee on education, made the following report:

Mr. President: The committee on education to whom the bill to be entitled an act to amend the eleventh section, of chapter 145, of the Digest of the Statutes of Arkansas, under the head of schools and school lands, have had the same under consideration, and have instructed me to report the same back to the Senate without any amendment, and recommend its passage.

McCAMY, *Chairman.*

Which report was read.

The bill accompanying the report was read, and on motion of Mr. Rector, the report and bill were laid on the table until to-morrow.

Mr. McCamy, from the committee on education, made the following report:

Mr. President: The committee on education to whom the bill to be entitled an act to divide the seminary fund, and to establish common schools, have had the same under consideration and have instructed me to report the bill back to the Senate and recommend that the Senate go into committee of the whole on said bill.

McCAMY, *Chairman.*

Which report was read and adopted.

On motion of Mr. McCamy, the Senate agreed to resolve itself into a committee of the whole on the bill, to-morrow morning, 10 o'clock.

Mr. McCamy, from a select committee made the folllowing report:

Mr. President: The select committee to whom was referred the bill to be entitled an act for the relief of Benjamin F. Woodruff. administrator, and Margarett Pierce, administratrix of the estate of John Pierce dec'd, have had the same under consideration and has instructed me to report the same back to the Senate without any amendment, and recommend its passage.

McCAMY, *Chairman.*

Which report was read and adopted, and the bill accompanying it read a third time and passed.

Mr. McClain introduced a bill to be entitled an act to grant resident householders and cultivators on the sixteenth sections in this State, the right of pre-emption.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. McClain, the bill was referred to the committee on education.

Mr. Austell introduced a bill to be entitled an act to incorporate the town of Wittsburg.

Which was read a first time.

On motion of Mr. Austell, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Austell, the rules of the Senate were again dispensed with, the bill read a third time and passed.

Mr. Rector introduced a bill to be entitled an act to amend the second section of the sixth chapter of the Revised Statutes, under the head of ejectment.

Which was read a first time.

On motion of Mr. Rector, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Chism, the bill was referred to the committee on the judiciary.

On motion of Mr. Maxwell, leave of absence was granted Mr. Black, on account of indisposition.

Mr. Gould introduced a bill to be entitled an act to define the crime of felony.

Which was read a first time and ordered to a second reading on to-morrow.

Senate bill No. 30, to be entitled an act to take the sense of the people in reference to calling a convention.

Was read a second time and ordered to a third reading on to-morrow.

Senate bill No. 7, to be entitled an act to amend the road laws.

Was read a third time and passed.

House bill No. 18, to be entitled an act to enforce the punishment of offences within the jurisdiction of justices of the peace.

Was read a second time, and on motion of Mr. Gould, it was referred to the committee on the judiciary.

On motion of Mr. Dickson, the bill to be entitled an act to declare War Eagle, in Washington county, a navigable stream, was taken up, read a third time and passed.

Senate bill No. 35, to be entitled an act to distribute the internal improvement fund among the several counties of this State.

Was read a third time, and on motion of Mr. Armstrong, referred to the committee on internal improvements.

Message from the Governor, by John D. Adams, Esq. his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved, and signed the bill entitled an act to change the time of holding the county courts of Scott county, and the joint resolution of the General Assembly of the State of Arkansas, on public printing.

Mr. Flanagin introduced the following resolution:

Resolved, by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed and our Representative requested to use their exertions to procure an extension of the mail rout from Arkadelphia to the residence of Alexander B. Clingman, so that it may terminate at the county seat of Montgomery county.

Which was read.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, the resolution read a second time and adopted.

Mr. Mitchell, from the committee on enrolled bills made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, an act to authorize the sale of certain lands belonging to James M. Matlock, dec'd.

Also, an act providing for the collection of revenue due from certain counties.

WM. C. MITCHELL, *Chairman.*

Mr. Watkins, from the committee on memorials, made the following report:

Mr. President: The committee on memorials to whom was referred the petition of H. F. Bailey and others, praying the General Assembly of the State of Arkansas, by special act, to release them from the amount of a judgment for the sum of one hundred and fifty dollars re-ordered against them as the securities of Eli T. Mendenhall, at the October term of the Bradley county circuit court, a second term, A. D. 1848, have met for the consideration of the same, and have instructed me to report that the committee is of the opinion that the said petitioners are not entitled to a discharge by special act from the payment of the judgment aforesaid, and the legislation favoring such an application would be to establish a precedent fruitful of many evils, and therefore ask that the prayer of the petitioners be rejected, and that your committee be discharged from the further consideration of the same.

Which report was read. WATKINS, *Chairman.*

Mr. Gould offered the following bill, as a substitute for the report of the committee.

A bill to be entitled an act for the relief of H. F. Bailey, B. S. DeBose, L. B. Luckie, A. T. Rainey, and L. P. Ederington.

Whereas, at the October term of the Bradley circuit court, 1848, judgment was rendered in favor of the State, against H. F. Bailey, B. S. DeBose, L. B. Luckie, H. R. Rainey, and L. P. Ederington, for the sum of one hundred and fifty dollars and costs; which judgment was founded upon a recognizance entered into before said court at its April term, 1847, for the appearance of one Eli T. Mendenhall, before said court at its next term thereafter, to answer the State of Arkansas on an indictment, for an assault with intent to kill; and, whereas, it is further represented that said Mendenhall entered the army of the United States, and is supposed to have been dead at the appearance term aforesaid; Therefore,

Be it enacted by the General Assembly of the State of Arkansas, That if the said H. F. Bailey, B. S. DeBose, L. B. Luckie, A. T. Rainey, and L. P. Ederington, or either of them shall produce to the circuit court of Bradley county, the said Eli T. Mendenhall, within two years from the rendition of such judgment; or shall within such time, make it appear to the satisfaction of such court that said Mendenhall was dead at the appearance term aforesaid; then, and in that case, such court shall have power, and is hereby required to set aside and vacate the judgment.

Sec. 2. *Be it further enacted,* That the execution of the judgment aforesaid, is hereby suspended for the term of two years from the rendition thereof.

Which bill was read.

The question was taken on Mr. Gould's motion to adopt the bill as a substitute for the report of the committee.

Which motion was lost.

The report of the committee was then adopted.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the amendment of the Senate to the resolution of the house fixing the time for going into the election of supreme judges and secretary of State on Saturday, 25th inst.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Mitchell introduced a bill to be entitled an act to amend the

95th chapter of the Revised Statutes, under the head of "Justices of the Peace."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of *Mr*. Watkins, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Tuesday, November 28, 1848

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 23 senators answered to their names.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the Senate's amendment to the bill of the House, to be entitled an act to constitute James Maxey the lawful heir of Walter Maxey.

The House of Representatives have adopted a joint resolution for the relief of John W. Cocke, executor of John Pope, deceased, late Governor of the Territory of Arkansas, which is herewith transmitted for the assent of the Senate.

The House of Representatives have adopted the following:

Resolved by the General Assembly of the State of Arkansas, That the Secretary of State be instructed to transmit authenticated copies of all memorials and resolutions to the Congress of the United States, to our delegation in Congress, so soon as they may pass the General Assembly and receive the signatures of the Speaker of the House of Representatives, the President of the Senate, and the approval of the Governor.

In which the concurrence of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Williamson introduced the following resolution:

Resolved, By the Senate, that the committee on the Penitentiary, be instructed to inquire into the expediency of leasing or renting out the Penitentiary of this State; and that they be requested to report by bill or otherwise.

Which was read and adopted.

Mr. Austell, from the committee on the Judiciary, made the following report:

Mr. President: The Judiciary committee, to whom was referred Senate bill, No. 11, entitled an act to exempt churches from taxation, have had the same under consideration; and a majority have instructed me to report the same back, with the following amendment, and recommend it passage, to wit: to amend by striking out all after the enacting clause, and substitute the following: That from and after the passage of this act, no building occupied exclusively for the worship of the Supreme Being, shall be subject to State or county taxes, unless the same exceed five hundred dollars in value; then the excess above that amount only shall be taxed.

S. L. AUSTELL, *Chairman.*

Which report was read.

The question was then taken on the adoption of the report and was lost.

A Message from the House of Representatives by their clerk:

Mr. President: I am instructed to inform your honorable body that the Hall of the House of Representatives is now in readiness to receive the Senate for the purpose of going into the election of a United States Senator and Supreme Judges.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Williamson, the Senate took a recess for fifteen minutes.

* * *

The Senate convened.

Mr. Dickson moved that the Senate adjourn until 1 o'clock P. M. to-day.

Upon which motion, Mr Clarke called for the yeas and nays: which being ordered, were yeas 7, nays 17.

Yeas, Messrs. Dickson, Gould, Mayfield, McCamy, Reyburn, Shaw, and Simpson—7.

Nays, Messrs. Armstrong, Austell, Burke, Chism, Clarke, Flanagin, Hampton, Maxwell, McClain, Mitchell, Poindexter, Rector, Underhill, Watkins, Williamson, Wilson, and Mr. President—17.

So the motion to adjourn was lost.

On motion of Mr. Armstrong, the Senate repaired to the hall of the House of Representatives; and being seated,

Mr. President announced that nominations for a United States Senator, to serve for the term of six years from the 4th of March next was in order.

Whereupon, Mr. Dickson nominated Ambrose H. Sevier.

Mr. Armstrong nominated Solon Borland.

And Mr. Woods, of the House, nominated Lorenzo Gibson.

Mr. Gould withdrew the name of Ambrose H. Sevier.

Mr. Flournoy, of the House, nominated Thomas S. Drew; but after the balloting had commenced, asked leave to withdraw his name, which Mr. President decided out of order.

No other nominations being made, the rolls were called, when it appeared that Solon Borland had received 71 joint votes; Thomas S. Drew had received 9 joint votes; and Lorenzo Gibson had received 15 joint votes.

Those Senators who voted for Solon Borland, are Messrs. Armstrong, Austell, Chism, Clarke, Dickson, Gould, Hampton, Maxwell, McCamy, McClain, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, Williamson, and Wilson—18.

Those Senators who voted for Thomas S. Drew, are Messrs. Mayfield and Mr. President—2.

Those Senators who voted for Lorenzo Gibson, are Messrs. Burke, Flanagin, Poindexter, and Underhill—4.

Whereupon, the speaker proclaimed that Solon Borland had received a majority of all the votes given, was duly and Constitutionally elected a Senator in the Congress of the United States, for the term of six years, from the 4th of March next.

Mr. Martin, of the House, moved to take a recess for 30 minutes. Which motion was lost.

Mr. President announced that nominations were in order for Judge of the Supreme Court, for the term of eight years, as a successor to the Hon. Wm. Conway B.

On motion of Mr. Trapnall, the convention agreed to go into the election of a Supreme Judge, to fill the vacancy occasioned by the resignation of the Hon. W. S. Oldham, first.

Whereupon, Mr. President announced that nominations for Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of Hon. W. S. Oldham, were in order.

Whereupon, Mr. Armstrong nominated C. C. Scott, and Mr. Mitchell nominated Peter T. Crutchfield.

No other nominations being made, the rolls were called, when it appeared that C. C. Scott had received 73 joint votes, and Peter T. Crutchfield had received 22 joint votes.

Those Senators who voted for C. C. Scott, are Messrs. Armstrong, Austell, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Poindexter, Rector, Reyburn, Shaw, Underhill, Watkins, Williamson, and Wilson—21.

Those Senators who voted for Peter T. Crutchfield, are Messrs Mitchell, Simpson, and Mr. President—3.

Whereupon, the speaker proclaimed that C. C. Scott having received a majority of all the votes given, was duly and Constitutionally elected Judge of the Supreme Court, to fill out the unexpired term of Hon. W. S. Oldham.

Mr. President announced that nominations for Judge of the Supreme Court, for the term of eight years, as successor to Hon. Wm. Conway B., were in order.

Whereupon, Mr. Maxwell nominated John J. Clendenin.

Mr. Marshall, of the House, nominated Wm. Conway B.

Mr. Williamson nominated Sam. C. Roane.

Mr. Berry, of the House, nominated E. H. English.

Mr. Murphy, of the House, nominated David Walker.

Mr. Garner, of the House, nominated Isaac Baker.

And Mr. ———, of the House, nominated William H. Feild.

No other nominations being made, the rolls were called, when it appeared that John J. Clendenin had 9 joint votes; Wm. Conway B. had 24 joint votes; E. H. English had 18 joint votes; Sam. C. Roane had 11 joint votes; David Walker had 27 joint votes; Isaac Baker had 5 joint votes; and Wm. H. Field had 1 vote.

The Senator who voted for John J. Clendenin, is Mr. Maxwell.

Those Senators who voted for Wm. Conway B., are Messrs. Austell, Dickson, Rector, Reyburn, Shaw, Simpson, and Watkins—7.

Those Senators who voted for E. H. English, are Messrs Chism and Clarke—2.

Those Senators who voted for Sam. C. Roane, are Messrs. Armstrong, Gould, McClain, Williamson, and Mr. President—5.

Those Senators who voted for David Walker, are Messrs. Burke, Flanagin, Mayfield, McCamy, Mitchell, Poindexter, Underhill, and Wilson—8.

The Senator who voted for Isaac Baker, is Mr. Hampton.

None of the gentlemen voted for having received a majority of all the votes given, the speaker announced that there was no choice made.

The convention proceeded to ballot a second time.

The rolls were called a second time, when it appeared that John J. Clendenin had 8 joint votes; Wm. Conway B. had 23 joint votes; E H. English had 24 joint votes; Sam. C. Roane had 6 joint votes; David Walker had 31 joint votes; and Isaac Baker had 2 joint votes.

The Senator who voted for John J. Clendenin, is Mr. Maxwell.

Those Senators who voted for *Wm.* Conway B., are Messrs. Austell, Dickson, Rector, Reyburn, Shaw, Simpson, and Watkins —7.

Those Senators who voted for E. H. English, are Messrs. Armstrong, Chism, and Clarke—3.

Those Senators who voted for Sam. C. Roane, are Messrs. Gould, Williamson, and Mr. President—3.

Those Senators who voted for David Walker, are Messrs. Burke, Flanagin, Mayfield, McCamy, McClain, Mitchell, Poindexter, Underhill, and Wilson—9.

The Senator who voted for Isaac Baker, is Mr. Hampton.

Whereupon, the speaker proclaimed that none of the gentlemen voted for having received a majority of all the votes given, there was no chice made..

Whereupon, the convention proceeded to ballot a third time.

The rolls were called, when it appeared that John J. Clendenin had 8 joint votes; *W*m. Conway B. had 24 joint votes; E. H. English had 25 joint votes; Sam. C. Roane had 2 votes; David Walker had 35 joint votes; and Isaac Baker had 1 vote.

Those Senators who voted for John J. Clendenin, are Messrs. Hampton and Maxwell—2.

Those Senators who voted for *W*m. Conway B., are Messrs. Austell, Dickson, Rector, Reyburn, Shaw, Simpson, and Watkins —7.

Those Senators who voted for E. H. English, are Messrs. Armstrong, Chism, Clarke, and Williamson—4.

Those Senators who voted for Sam. C. Roane, are Messrs. Gould and Mr. President—2.

Those Senators who voted for David *W*alker, are Messrs. Burke, Flanagin, Mayfield, McCamy, McClain, Mitchell, Poindexter, Underhill, and Wilson—9.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Mr. Garner withdrew the name of Isaac Baker.

*W*hereupon, the convention proceeded to ballot a fourth time.

The rolls were called, when it appeared that John J. Clendenin had 2 votes; *W*m. Conway B., had 25 joint votes; Sam. C. Roane had 1 vote; E. H. English 29 joint votes; and David *W*alker had 38 joint votes.

Those Senators who voted for *W*m. Conway B., are Messrs. Dickson, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—7.

Those Senators who voted for E. H. English, are Messrs. Armstrong, Austell, Chism, Clarke, Maxwell, and Williamson—6.

The Senator who voted for Sam. C. Roane, is Mr. Gould.

Those Senators who voted for David *W*alker, are Messrs. Burke, Flanagin, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Underhill, and Wilson—10.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Mr. Irvin, of the House, withdrew the name of John J. Clendenin.

*W*hereupon, the convention proceeded to ballot a fifth time.

The rolls were called, when it appeared that *W*m. Conway B.

had 21 joint votes; E. H. English had 34 joint votes; David Walker had 39 joint votes; and Sam. C. Roane had 1 vote.

Those Senators who voted for Wm. Conway B., are Messrs. Dickson, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—7.

Those Senators who voted for E. H. English, are Messrs. Armstrong, Austell, Chism, Clarke, Maxwell and Williamson—6

Those Senators who voted for David Walker, are Messrs. Burke, Flanagin, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Underhill, and Wilson—10.

The Senator who voted for Sam. C. Roane, is Mr. Gould.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Mr. Gould re-nominated Isaac Baker.

Whereupon, the convention proceeded to ballot a sixth time.

The rolls were called, when it appeared that Wm. Conway B. had 11 joint votes; E. H. English had 34 joint votes; David Walker had 49 joint votes; and Isaac Baker had 2 joint votes.

Those Senators who voted for Wm. Conway B., are Messrs. Dickson, Rector, Reyburn, Shaw, Simpson, Watkins, and Mr. President—7.

Those Senators who voted for E. H. English, are Messrs. Armstrong, Austell, Chism, Clarke, Maxwell, and Williamson—6.

Those Senators who voted for David Walker, are Messrs. Burke, Flanagin, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Underhill, and Wilson—10.

The Senator who voted for Isaac Baker, is Mr. Gould.

None of the gentlemen voted for, having received a majority of all the votes given, the speaker announced that there was no choice made.

Whereupon, the convention proceeded to ballot a seventh time.

The rolls were called, when it appeared that Wm. Conway B. had 7 joint votes; E. H. English 37 joint votes; David Walker had 50 joint votes; and Isaac Baker had 1 vote.

Those Senators who voted for Wm. Conway B., are Messrs. Dickson, Rector, Shaw, Simpson, and Watkins—5.

Those Senators who voted for E. H. English, are Messrs. Armstrong, Austell, Chism, Clarke, Maxwell, Williamson, and Mr. President—7.

Those Senators who voted for David Walker, are Messrs. Burke, Flanagin, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Underhill, and Wilson—11.

The Senator who voted for Isaac Baker, is Mr. Gould.

Whereupon, the speaker proclaimed that David Walker, having received a majority of all the votes given, was duly and Constitutionally elected Judge of the Supreme Court for the term of eight years.

The Senate returned to their chamber.

On motion of Mr. Chism, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Wednesday, November 29, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 21 Senators answered to their names.

The journal of yesterday was read and approved.

On motion of Mr. McCamy, leave of absence was granted Mr. Mayfield, on account of indisposition.

Mr. Hampton introduced the following joint resolutions:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative be requested, to oppose the removal of any Land office in this State from one part of the district to another, unless it shall appear to them, that such removal is desired by a majority of such district.

Resolved, That the Secretary of State be required to transmit a copy of this resolution to each of our delegation in Congress.

Which was read a first time.

On motion of Mr. Hampton, the rules of the Senate were dispensed with, and the resolutions read a second time.

Mr. Clarke moved to lay the resolutions on the table until the 4th day of July next.

Upon which motin, Mr. Hampton called for the yeas and nays; which being ordered, were years 11, nays 11.

Yeas, Messrs. Armstrong, Burke, Chism, Clarke, Dickson, Flanagin, Maxwell, McClain, Mitchell, Simpson, and Williamson—11.

Nays, Messrs. Austell, Gould, Hampton, Mayfield, McCamy, Poindexter, Reyburn, Shaw, Underhill, Watkins, Wilson and Mr. President—11.

So the motion to lay on the table until the 4th day of July next, was lost.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has signed the bill entitled an act providing for the collection of revenue due from certain counties, and an act to authorize the sale of certain lands belonging to James M. Matlock, dec'd, in his lifetime.

Mr. Burke, from the committee on Elections, made the following report:

Mr. President: The committee on Elections to whom was referred a bill to be entitled an act to change the mode of voting in this State, have had the same under consideration, and a majority of said committee, have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

Respectfully submitted,
BURKE, *Chairman*
of Committee on Elections.

Which report was read.

Mr. Hampton, from the minority of said committee, made the following report:

Mr. President: The undersigned, members of the committee on Elections, to whom was referred a bill entitled an act to change the mode of voting in this State, differing with the majority of the committee; as to the expediency of passing the bill, would respectfully report that they are under the impression that the *ballot system* has not been fairly tested, that it is better calculated to obtain a fair and unbiased expression of the popular will, that the *viva voce* system; and hence it would be inexpedient to pass the bill under consideration, and therefore, respectfully ask that this, the report of the minority, may be substituted for that of the majority.

JNO. R. HAMPTON,
ELISHA BURKE,
Minority.

Which report was read.

The question being on the adoption of the minority report, in lieu of the majority report, Mr. Simpson called for the yeas and nays.

Pending which question, Mr. Underhill moved to lay the minority report on the table.

On which motion, Mr. Hampton called for the yeas and nays; which being ordered, were yeas 16, nays 6.

Yeas, Messrs, Armstrong, Chism, Clarke, Maxwell, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—16.

Nays, Messrs. Austell, Burke, Dickson, Flanagin, Gould, and Hampton—6.

So the motion to lay the minority report on the table prevailed.

On motion of Mr. Underhill, the majority report was adopted.

The bill accompanying it, was, on motion of Mr. Armstrong, ordered to be engrossed and read a third time on to-morrow.

Mr. Gould, from the committee on the Judiciary, made the following report:

Mr. President: The standing committee on the Judiciary, to whom was referred a bill entitled an act to provide for the payment of costs accruing in the State prosecutions for offences committed in or in respect of the jail and penitentiary house of this State, have had the same under consideration, and have instructed me to recommend the passage of the bill.

J. GOULD.

Which report was read and adopted.

The bill accompanying it, was read a third time and passed.

On motion of Mr. Underhill, Mr. Chism was added to the committee on Internal Improvements.

The joint resolution of the Senate, stating that no new bill or resolution shall be introduced after the 12th day of December next, was read a second time; and on motion of Mr. Williamson, it was laid on the table for the present.

On motion of Mr. Flanagin, the Senate resolved itself into committee of the whole, on Senate bill, No. 25, to be entitled an act to distribute the Digest of the Statutes of Arkansas.

Mr. Flanagin in the chair.

After sometime spent in committee of the whole, the committee arose, and through their chairman, reported the bill back to the Senate, with sundry amendments, and asked to be discharged from the further consideration of the same.

The ammendment made in committee of the whole, to the 3d section, by adding to said section "county surveyor and each constable in the county," was adopted by the Senate, on motion of Mr. Maxwell.

Mr. Mitchell moved to amend the 3d section, by adding, after the word "State," in the 2d line, the words "and territory."

Which amendment was read and adopted.

The amendment of the committee to the 6th section, by filling the blank in the 4th line with "two," was read, and the question being on its adoption.

Mr. Poindexter called for the yeas and nays, which being ordered were yeas 13, nays 8.

Yeas, Messrs. Armstrong, Clarke, Dickson, Maxwell, McClain, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—13.

Nays, Messrs. Burke, Chism, Flanagin, Gould, Hampton, McCamy, Mitchell, Poindexter—8.

So the amendment made by the committee to the 6th section of the bill, was adopted by the Senate.

The amendments made by the committee, to the 8th section, by filling the first blank with "64;" by filling the second blank with "64;" and by inserting between the words "cents" and "made" the words "on sales," were concurred in by the Senate.

The amendment made to the 10th section, by filling the blank with "1,000," was concurred in by the Senate.

The following additional section, added to the bill, by the committee, to wit:

Sec. 11. If any officer receiving a copy of the Digest from the Secretary of State, or from the county clerk, by virtue of this act, shall fail to deliver the same to his successor in office on demand, at the expiration of his term of office, he shall forfeit the sum ten dollars for the use of the county in which such failure shall happen to be recovered by action of debt, before any justice of the peace, having jurisdiction of the same, in the name of the State, and it shall be the duty of the clerk to prosecute the same.

Was read and concurred in by the Senate.

On motion of Mr. Armstrong, the bill was ordered to be engrossed and read a second time on to-morrow.

On motion of Mr Armstrong, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Thursday, Nov. 30, 1848.

The Senate met pursuant to an adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called 19 Senators answered to their names.

The Journal of yesterday was read and approved.

Mr. Hampton introduced the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing sec. 11, of chapter 159, of the Digest of the Statutes of Arkansas, under the head of 'Taverns and Groceries,' and if considered expedient, to report a bill to repeal said section.

Which was read and adopted.

Mr. Flanagin, from the committee on the judiciary, made the following report:

The committee on the judiciary to whom was referred the 7th resolution, amending the constitution, have had the same under consideration, and beg leave to report:

That they recommend that the said 7th resolution be rejected.

And they further recommend that the Senate adopt as an amendment to the constitution the resolution herewith reported.

H. FLANAGIN, *Chairman.*

The General Assembly of the State of Arkansas proposesas an amendment to the constitution the following resolution:

Resolved, That the words 'except Washington county, which may be reduced to six hundred squire miles,' in the 29th section of the 4th article of the Constitution be striken out.

Which report and resolution were read.

On motion of Mr. McCamy, the Senate concurred in the report of the committee.

The question was then taken on ordering the resolution accompanying the report, to a second reading. the yeas and nays being ordered.

Those Senators voting in the affirmative are,

Messrs. Armstrong, Austell, Burke, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—21.

So the resolution was ordered to a second reading on to-morrow.

Mr. Williamson introduced a bill to be entitled an act to repeal so much of the 13th section of the 61st chapter of the Revised Statutes, making it the duty of the sheriff to advertise general elections in the several townships.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Underhill introduced a bill to be entitled an act amendatory of the law relative to Injunctions.

Which was read a first time and ordered to a second reading on to-morrow.

Mr. McCamy, from the committee on education, made the following report:

Mr. President: The committee on education to whom the bill entitled an act to grant resident householders, or cultivators on the 16th sections in this State, the right of pre-emption.

Have had the same under consideration, and have instructed me to report that it is inexpedient to pass the bill, on the ground that there are many quarter sections that would bring much more then the minimum price, and all in the township, being equally interested, it would not be just to give away individual the preference at the minimum price, and believing as they do, they have instructed me to report that it is inexpedient to pass the bill, that it be laid on the table.

R. McCAMY. *Chairman.*

Which report was read and adopted, and the bill laid on the table.

Mr. Watkins introducted a bill to be entitled an act concerning the duties of county courts and clerks thereof.

Which was read a first time, and ordered to a second reading on to-morrow.

Senate bill No. 25, to be entitled "an act to distribute the Digest of the Statutes of Arkansas.' "

Was read a third time and passed.

Mr. Mitchell offered the following amendment, by way of rider:

Amend the 5th line of the 7th section, by inserting between 'aforesaid,' and 'and,' the words 'not less than ten.'

Which was read a first time.

On motion of Mr. Hampton, the rules of the Senate were dispensed with, and the amendment read a second and third time.

Mr. Flanagin moved to amend the 7th line of the 6th section, by striking out '$2,' and inserting '$4.'

Upon which motion, Mr. McClain called for the yeas and nays, which being ordered, were yeas 8, nays 15.

Yeas, Messrs. Burke, Flanagin, Gould, Hampton, Maxwell, Mayfield, Mitchell, and Poindexter—8.

Nays, Messrs. Armstrong, Chism, Clarke, Dickson, McCamy, McClain, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—15.

So the motion to strike out and insert, was lost.

The bill was then passed, as amended.

Message from the House of Representatives by their clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have passed a bill to be entitled an act to call in the County Scrip of Izard county.

Which is herewith transmitted for the assent of the Senate.

The House have assented to the bill of the Senate to be entitled an act to establish the county of Worth, with an amendment, to which the concurrence of the Senate is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Underhill was called to the chair.

Senate bill No. 24, to be entitled "an act to change the mode of voting in this State."

Was read a third time, and the question being on the passage of the bill, Mr. McCamy called for the yeas and nays, which being ordered, were yeas 15, nays 8.

Yeas, Messrs. Armstrong, Chism, Clarke, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—15.

Nays, Messrs. Burke, Dickson. Flanagin, Gould, Hampton, Maxwell, Mayfield, and Rector—8.

So the bill was passed.

Senate bill No. 34, to be entitled an act to amend the 95th chapter of the Revised Statutes, under the head of justices of the peace.

Was read a second time.

Mr. McCamy offered the following amendment:

Section —. *Be it further enacted*, That justices of the peace shall have jurisdiction of the following actions; first, all actions of trespass, where the tresspass or damages shall not exceed one hundred dollars; second, all actions of damage, and where the damage does not amount to over one hundred dollars; third, and all offences against the State, where the punishment shall not be imprisonment.

Which amendment was read and adopted.

On motion of Mr. McCamy, the bill and amendment, were referred to a select committee, consisting of Messrs. McCamy, Watkins, Burke, Hampton, and Simpson.

Senate bill No. 30, to be entitled an act to take the sense of the people in reference to calling a convention.

Was read a third time, and the question being on the final passage of the bill, Mr. President called for the yeas and nays, which being ordered, were yeas 7, nays 15.

Yeas, Messrs. Chism, Dickson, Gould, McClain, Mitchell, Poindexter, and Rector—7.

Nays, Messrs. Armstrong, Burke, Clarke, Flanagin, Hampton, Maxwell, Mayfield, McCamy, Reyburn, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—15.

So the bill was lost.

Senate bill No. 34, to be entitled an act to define the crime of felony.

Which was read a second time and ordered to a third reading on to-morrow.

The report of the committee on education, returning

Senate bill No. 26, to be entitled an act to amend section 11, of chapter 145, of the digest of the statutes of Arkansas, under the head of schools and school lands, made 28th inst., was taken up, read and adopted; and the bill accompanying it, read a third time and passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have examined an act to establish the county of Ashley, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

The message from the House of Representatives, was taken up and read.

The amendment of the House to the bill of the Senate, to be entitled an act to establish the county of Worth, was concurred in by the Senate.

On motion of Mr. Poindexter, the message from the House of

Representatives, received on the 28th inst., was taken up and read.

The resolution from the House of Representatives, for the relief of John W. Cocke, executor of John Pope, dec'd.

Was read a first time.

On motion of Mr. Rector, the rules of the Senate were dispensed with, and the resolution read a second time.

On motion of Mr. Rector, the resolution was referred to a select committee, consisting of Messrs. Rector, Gould, and Flanagin.

House bill No. 36, to be entitled an act to call in the Scrip of Izard county.

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Maxwell, House bill No. 9, to be entitled an act for the relief of B. H. Blount, of Conway county.

Was taken up, read a third time and passed.

The resolution from the House of Representatives, instructing the Secretary of State to transmit authenticated copies of all memorials and resolutions, to our delegation in Congress, so soon as they shall receive the signature of the Speaker of the House of Representatives, President of the Senate, and the approval of the Governor.

Was read a first time, and ordered to a second reading on to-morrow.

Mr. Rector presented a petition signed by 34 citizens of the State of Arkansas, praying the General Assembly to amend the law relative to pay of witnessess and jurors, that they may be allowed to recover sufficient pay to enable them to pay their necessary expenses for themselves and horses, in addition to pay for their own lost time; and that the amount allowed be paid daily to enable them to defray their current expenses.

Which was read, and on motion of Mr. Rector, referred to the committee on memorials.

On motion of Mr. McCamy, the Senate resolved itself into committee of the whole, on Senate bill No. 15, to be entitled an act to divide the seminary find and to establish common schools.

Mr. Poindexter in the chair.

After sometime spent in committee, they arose, and through their chairman reported the bill back to the Senate, and asked leave to set again.

Which report was adopted.

Mr. Watkins introduced a bill to' entitled an act to divide the seminary fund, and to establish common schools, as a substitute for Senate bill No. 15, to be entitled an act to divide the seminary fund and to establish common schools, reported back by the committee of the whole.

The question was taken on the adoption of the substitute in lieu of the original bill, and it prevailed.

On motion of McCamy, the bill was ordered to be printed.

Mr. Maxwell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, an act to establish the county of Ashley.

MAXWELL, *Chairman.*

On motion of Mr. McClain, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Friday, December 1, 1848.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

The chair ordered a call of the Senate; the roll being called, 18 senators answered to their names.

The journal of yesterday was read and approved.

Mr. Maxwell introduced a bill to be entitled an act to grant a charter to Joseph Kniffin, for the purpose of erecting and building a toll bridge across Little Red River, in White county, Arkansas.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Underhill introduced a bill to be entitled an act relative to the exemption of property from execution.

Which was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 36, to be entitled an act to call in the scrip of Izard county.

Was read a second time; and on motion of Mr. Watkins, it was referred to a select committee, consisting of Messrs. Watkins, Dickson, and Shaw.

The resolutions from the House of Representatives, requiring the Secretary of State to transmit to our delegation in Congress, authenticated copies of all memorials and resolutions, so soon as they shall have passed the General Assembly, and received the signatures of the Speaker of the House, the President of the Senate, and the adproval of the Governor.

Was read a second time and adopted.

*M*essage from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed the bill entitled an act to establish the county of Ashley.

Senate bill, No. 39, to be entitled an act concerning the duties of county courts, and clerks thereof.

Was read a second time; and on motion of *Mr.* Gould, referred to the committee on the Judiciary.

The resolution to amend the Constitution of the State, read a first time on yesterday, was read a second time, and ordered to a third reading, on to-morrow, by the following vote.

Yeas. Messrs. Armstrong, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, McCamy, McClain, Mitchell, May field, Poindexter Rector, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—22.

Senate bill, No. 37, to be entitled an act to repeal so much of the 13th section of the 61st chapter of the Revised Statutes, making it the duty of sheriffs to advertise General Elections in the several townships.

Was read a second time; and on motion of Mr. Williamson, referred to the committee on Elections.

Message from the House of Representatives by their clerk.

Mr. President: I present for your honor's signature an act to change the time of holding the probate court of Poinsett county.

Also, an act for the relief of Benjamin F. Woodruff, administrator and Margaret Pierce, administratrix of the estate of John Pierce, dec'd.

Also, an act to declare War-Eagle, in Washinton ceunty, a navigable stream.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have adopted the following resolution:

Resolved, That the committee on Public Buildings be a joint committee, and that the Senate be requested to concur herein.

To which the assent of your honorable body is respectfully asked.

The House have passed House bill, No. 29, to the entitled an act making certain appropriations, and to repeal section 1 and 2 of an act entitled an act supplementary to an act making appropriations for the years 1845, 1846, and part of 1845, and for balance due from the State, and for other purposes, approved 10th January, 1845, and for other purposes.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Senate bill, No. 34, to be entitled, an act to define the crime of Felony.

Was read a third time; ane on motion of Mr. Flanagin, referred to the committee on the Judiciary.

Senate bill, No. 38, to be entitled an act amendatory of the law relative to injunctions.

Was read a second time; and on motion of Mr. Underhill, referred to the committee on the Judiciery.

The resolution from the House of Representatives, making the the committees on Public Buildings a joint committee, was taken up, read; and concurred in by the Senate.

House bill, No. 29, to be entitled an act making certain appropriations, and to repeal sections 1 and 2 of an act entitled an act supplementary to an act making appropriations for the years 1845, 1846, and part of 1844, and for balances due from the State, and for other purposes, approved January 10th, 1845, and for other purposes.

Which was read a first time.

On motion of Mr. Hampton, the rules of the Senate were disenpsed with, and the bill read a second time.

Mr. Clarke moved to refer the bill to the committee on Ways and Means; but afterwards withdrew his motion, and moved to refer it to a select committee: but after some remarks of Mr. Gould, he withdrew his motion to refer to a select committee; when, upon motion of Mr. Gould, the Senate resolved itself into a committee of the whole on the bill.

Mr. McCamy in the chair.

After sometime spent in committee, they reported the bill back, through their chairman, to the Senate, with the following amendment, "strike out the 3d section of the bill."

On motlon of Mr. Maxwell, the report of the committee was adopted.

On motion of Mr. Maxwell, the rules of the Senate were dispensed with, and the bill read a third time.

Mr. Dickson moved to strike out the second section of the bill.

Which motion was lost.

The bill was then passed, as amended, and returned to the House of Representatives.

Mr. Flanagin introduced the following resolution:

The General Assembly of the State of Arkansas propose the following ss an amendment to the Constitution of this State:

Resolved, That so much of the Constitution of this State as permits amendments to be made by the General Assembly of this State, to the Constitution, be stricken out.

Which was read; and on motion of Mr. Flanagin, was referred to the committee on the Judiciary.

Mr. Clarke introduced the following resolution:

Resolved, That our Senators be instructed, and our Representative requested, to use their best exertions to procure the passage of an act of Congress, providing for the establishment of a mail route Charlestown, in Franklin county, via the Narrows of Big creek, to fromS ugar Loaf, in Crawford co.. and for the transportation of the mail once a week, on said road. Also, for the establishment of a post offices at the residence of John Epplers, in the Narrows of Big creek, on said route.

Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the resolution read a second time and adopted.

On motion of Mr. Gould, leave of absence was granted to Mr. Austell.

Mr. Armstrong introduced a bill to be entitled an act to establish Judicial Districts; and to prescribe the times and places for holding the Supreme Court.

Which was read a first time.

On motion of Mr. Armstrong, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Armstrong, the bill was referred to the committee on the Judiciary.

Mr. Rector introduced the following resolution:

Resolved. That our Senators and Representative in Congress, be requested to procure for the southern mail route, leading from Little Rock to Washington, Hempstead county, four horse tri-weekly post-coaches, and a suitable compensation for carrying the same.

Which was read a first time.

On motion of Mr. Rector, the rules of the Senate were dispensed with, and the resolution read a second time and adopted.

On motion of Mr. Hampton, leave of absence was granted to Mr. Reyburn.

On motion of Mr. Simpson, the Senate adjourned.

J. GOULD, *President pro tem.*
of the Senate.

Saturday, December, 2, 1848.

The Senate met pursuant to adjournment.

Mr. Presisident being absent, Mr. Gould took the chair as President pro. tempore.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 19 Senators answered to their names.

On motion of Mr. Hampton, leave of absence was granted Mr. President.

Journal of yesterday was read and approved.

Mr. Williamson was called to the chair.

Mr. McClain introduced the following resolution:

Resolved, That so much of the Land Attorney's communication to the Governor as relates to certain suits now pending in the Supreme Court of the United States, wherein the State of Arkansas is plaintiff and James Trigg, et al., are defendants, be referred to the committee on the judiciary, with a request that they report on the same at an early day.

Which was read and adopted.

Mr. Watkins, from a select committee, made the following report:

Mr. President: The select committee to whom was referrad House bill No. 36, to be entitled an act to call in the Scrip of Izard county, have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendment, and recommend its passage.

Strike out 'July,' in the 7th line of the 1st section and insert 'January;' strike out '1849,' in the 8th line of the same section, and insert '1850;' strike out 'July,' and '1849,' in the 13th line of the same section and insert 'January,' and '1850;' and strike out 'July,' and and '1849,' in the 7th line of the 3rd section, and insert 'January,' and '1850,' in lieu thereof.

WATKINS, *Chairman.*

Which report was read and adopted.

The bill accompanying the report was read a third time, as amended, and passed.

On motion of Mr. McCamy, Messrs. Mitchell and Gould, were added to the select committee to whom was referred Senate bill No. 36, to be entitled an act to amend the 95th chapter of the Revised Statutes, under the head of 'Justices of the Peace.'

Mr. Gould introduced a bill to be entitled an act for the relief of Henry S. Hudspeth, Edmund Adcock, Wm. McMoore, Wm. H. Wells, Wm. Nicholas and Hardiman Greer.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Gould, the bill was referred to the committee on internal improvements.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the amendment of the Senate to the bill of the House, to be entitled an act making certain appropriations, and to repeal sections one and two of an act entitled an act supplementary to an act making appropriations for the years 1845, 1846, and part of 1844, and for balances due from the State and for other purposes, approved January 10th, 1845, and for other purposes.

The House of Representatives have passed the following resolution:

Resolved, That the House appoint a committee to act with such committee as has been appointed by the Senate, to consist of one from each judicial circuit, to examine into the expediency of reducing the number of judicial circuits in this State, and that the Senate be requested to concur herein.

The committee on the part of the House are, Messrs. Collins, Montgomney, Wilson of Washington, Clark, Trapnall, Stith, Garner, and Pettus.

The House have passed a bill to be entitled an act to authorize Joseph S. Mileham, late sheriff of Franklin county, Arkansas, to collect arrearages of taxes due him, and which, as sheriff and collector, he advanced and paid to the State and County.

Which is herewith transmitted for the assent of the Senate.

The House have adopted the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested to use their influence with the Congress of the United States to have a mail route established from Clarksville, Johnson county, by the way Eubank's Mill, on Mulberry Creek, thence by F. K. Jones', thence to St. Pauls P. O., on White River, on horse-back, a distance of sixty-five miles.

In which the concurrence of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present for your honors signature an act making certain appropriations, and to repeal sections one and two, of an act entitled an act supplementary to an act, making appropriations for the years 1845, 1846, and part of 1844, and for balances due from the State, and for other purposes, approved January 10th, 1845," and for other purposes.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Senate bill No. 42, to be entitled an act relative to the exemption of property from taxation.

Was read a second time, and on motion of Mr. Underhill, referred to the committee on the judiciary.

The following resolution proposing to amend the constitution of this State, read a first time, on the 30th November, and second time on yesterday.

Resolved, That the words 'except Washington county, which may be reduced to six hundred square miles, in the 29th section of the 4th article of the Constitution be stricken out.'

Was adopted by the following vote, after the third reading, to-wit:

Yeas, Messrs. Armstrong, Burke, Chism, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Shaw, Simpson, Underhill, Watkins, Williamson, and Wilson—20.

Senate bill No. 41, to be entitled an act to grant a charter to Joseph Niffin, for the purpose of erecting and building a brigde across Little Red River, in White county, Arkansas.

Was read a second time, and on motion of Mr. Maxwell, referred to a select committee, consisting of Messrs. Maxwell, Shaw, and Underhill.

The resolution from the House appointing a committee of one from each judicial circuit, to examine into the expediency of reducing the number of judicial circuits, was taken up, read, and on motion of Mr. Mitchell, it was laid on the table.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed the following resolution:

Resolved by this House, that the resolution making the committee on interal improvement a joint committee be, and the same is hereby recinded, and the Senate be requested to concur herein.

In which the concurrence of the Senate is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The message was taken up and read, and on motion of Mr. Poindexter, the resolution from the House was concurred in by the Senate, and the House of Representatives informed thereof.

The resolution from the House of Representatives, instructing our Senators, and requesting our Representative in Congress to use their influence with the Congress of the United States, to have a mail route established from Clarksville, Johnson county, by the way of Eubank's Mill, on Mulberry Creek, thence by F. H. Jones', thence to St. Paul P. O., in Madison county, once a week on horseback.

Was taken up, read, and concurred in by the Senate.

House bill No. 37, to be entitled an act to authorize Joseph T. Mileham, late sheriff of Franklin county, Arkansas, to collect arrearages of taxes due him, and which as sheriff and collector, he advanced and paid to the State and County.

Was read a first time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Hampton offered the following amendment:

Amend by inserting, 'and John H. Cornish, sheriff of Union county,' after the words 'sheriff of Franklin county,' wherever they occur in the title or body of the bill.

Which was read.

Mr. Underhill, moved to amend the amendment, by adding after the words, 'John H. Cornish, sheriff of Union county,' the words and C. J. Bernard, sheriff of Crittenden county.

Which amendments were accepted by Mr. Chism.

Mr. Armstrong moved to amend the amendment by adding 'Isaac N. Jackson, late sheriff of Sevier county.'

Pending which motion, the amendments were referred, on motion of Mr. Underhill, to a select committee of five, consisting of Messrs. Underhill, McClain, Chism, Hampton, and Armstrong.

Mr. Watkins, from the committee on memorials, made the following report:

Mr. President: The committee on memorials to whom was referred a bill for the releif of John Anderson, have had the same under consideration, and have instructed me to report the same back to the Senate and ask its rejection. Your committee is aware of the unfortunate condition of the memorialist which justly entitle him to the sympathies, as well as the assistance of the community, but the committee is of the opinion that it is impolitic to establish a precedent of special legislation for the benefit of any portion of citizens; if the practice be once adopted, it will be difficult to determine at what point it should stop; privileges extended to one would be but the just rights of others in similar circumstances, and thus our journals would be enlarged to an indefinite extent, our legislative sessions prolonged, our revenue crippled, and no paramount benefit received by those desiring to be favored.

Is respectfully submitted.

WATKINS, *Chairman.*

Which report was read.

The bill accompanying the report entitled an act for the relief of John Anderson.

Was read a third time.

On motion of Mr. Poindexter, the report of the committee was laid on the table.

Mr. Williamson moved to amend the bill, by striking out the words, 'this State,' in the 5th and 6th lines of the 1st section, and insert in lieu thereof, the words 'Hempstead county.'

Which motion was lost.

The question being on the final passage of the bill, Mr. Poindexter called for the yeas and nays, which being ordered, were yeas 10, nays 7.

Yeas, Messrs. Armstrong, Chism, Clarke, Gould, Hampton, Maxwell, McClain, Poindexter, Underhill, and Wilson—10.

Nays, Messrs. Burke, Dickson, Flanagin, Mitchell, Simpson, Watkins, and Williamson—7.

So the bill passed.

On motion of Mr. Underhill, the Senate adjourned.

J. GOULD, *President pro tem.*
of the Senate.

Monday, December 4, 1848.

The Senate met pursuant to adjournment.

The chair ordered a call of the Senate; the roll being called, 23 Senators answered to their names.

Prayer by the Rev. Mr. Green.

The journal of the 2d inst. was read and approved.

Mr. Poindexter introduced the following preamble and resolution:

Whereas, it is important to the interest of the citizens of this State, as well as those of Louisiana and Texas, that the Raft on Red river should be opened;

And, whereas, appropriations sufficient for that purpose cannot be obtained from the National Government;

And, whereas; many enterprising and public spirited individuals, belonging to this State, as well as to Louisiana and Texas, have applied to the legislature of Louisiana, for an act of incorporation, granting them a charter to open said Rraft, and asking the consent of this State thereto; therefore,

Resolved, by the General Assembly of the State of Arkansas, That the consent of the State of Arkansas is hereby cheerfully given to any reasonable charter which the legislature of the State of Louisiana may grant said citizens, to enable them to open the said Raft in Red river, and remove the obstructions to navigation therein.

Which was read, and laid on the table one day under the rule.

Mr. McCamy was called to the chair.

Mr. Gould introduced a bill to be entitled an act to divide the State into Judicial circuits; to provide for the election of Judges of the circuit courts; of Judges of the county and probate courts; of

Prosecuting Attorneys; and to provide for the interchange of circuits.

Which was read a first time.

On motion of Mr. Poindexter, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Flanagin moved to recommit the bill to the committee on the Judiciary, with instructions to amend the bill by striking out six circuits, and insert five circuits.

Which motion was lost.

Mr. McClain moved to recommit the bill to the committee on the Judiciary, with instructions to amend the bill, by striking out six circuits and insert eight circuits.

Which motion was lost.

On motion of Mr. Gould, the bill was ordered to be printed.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act to exempt Washington and Van Buren counties from the operation of the act of the 21st December, 1846, empowering county courts to select petit jurors.

Also, an act to amend and define the 8th section of the act, approved 21st December, 1846, entitled an act to amend an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of Internal Improvements, and to establish a Land office for that purpose, and for other things.

The House have concurred in the resolution of the the Senate, instructing our delegation in Congress to use all proper exertions with the Post Master General, to procure a change of mail service and transportation between Little Rock and Batesville, in Independence county, so as to change it from a tri-weekly horse service to a tri-weekly stage line, with four horse post coaches.

Also, a resolution of the Senate, instructing our delegation in Congress to use their endeavors to establish a mail route from Boonville, Scott county, to Robert Moffett's, on Six Mill, from thence to Prairie post office, and from thence to Ozark, Franklin county.

Also, a resolution of the Senate, instructing our delegation in Congress to oppose the removal of any Land Office in this State, from one part of the district to another, unless it shall appear to them that such removal is desired by a majority of the people of such district.

Which are herewith returned.

The House have adopted a memorial to the Congress of the U. States, on the subject of the protection of the Indian frontier.

The House have also adopted a memorial to Congress, on the subject of a road to California.

Which are herewith transmitted for the concurrence of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Flanagin, from a select committee, reported back to the Senate a bill to be entitled an act to change the Judicial circuits of this State, and moved, that it be laid on the table, which motion prevailed.

Mr. McClain introduced a bill to be entitled an act concerning the collection of revenue accruing to the State of Arkansas.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Armstrong introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative be requested, to obtain the passage of a law, authorizing a weekly mail route, to be carried on horse back, from Antoine post office, in Clark county, Arkansas, to Clarksville, in Texas, by the way of Murfreesboro', in Pike county, Arkansas; from thence to John Russell's, Paraclifta, and Laynesport, in Sevier county, Arkansas; and to establish post offices on said route.

Which was read a first time, and laid on the table one day under the rule.

House bill, No. 2, to be entitled an act to exempt the counties of Washington and Van Buren from the operation of the act of the 21st December, 1846, empowering county courts to select petit jurors.

Which was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 48, to be entitled an act to amend and define the 8th section of the act, approved 21st December, 1846, to be entitled an act to amend an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arksnsas, for the purpose of internal improvements, and to establish a Land Office for that purpose, and for other things.

Was read a second time and ordered to a third reading on to-morrow.

The memorial to the Congress of the United States, on the subject of the protection of the Indian frontier, from the House of Representatives;

Was read a first time, and ordered to a second reading on to-morrow.

The momorial of the House to the Congress of the United States, on the subject of a road to California;

Was read a first time, and ordered to a second reading on to-morrow.

Senate bill, No. 15, to be entitled an act to divide the seminary fund, and to establish common schools, ordered to be printed on Thursday last, was taken up, and read a second time.

On motion of Mr. Rector, was laid on the table indefinitely.

Mr. Rector, from a select committee, made the following report:

Mr. President: The select committee to whom was referred, House resolution requiring the Governor of the State to enter a release of the decree rendered in the Pulaski circuit court, against the estate of the late John Pope, in the name of the State of Arkansas, beg leave most respectfully to report favorable to the passage of the same, with the following amendment:

Provided, That the personal representatives of said Pope, release and quit claim forever, any and all equitable claim, that they may have against the State of Arkansas and said John Pope, (as is more fully set forth in the foregoing report of the select committee of the House, and hereto appended.

RECTOR, *Chairman*
of Select Committee.

Which report was read and adopted.

The resolution from the House, accompanying it, was read a third time, as amended, and concurred in.

Mr. Flanagin introduced the following resolutions:

Resolved, That a special committee of three be appointed to enquire as to the amount of loss which has resulted to the State, for making payments for printing, postage, stationary, or aught else in depreciated paper for the ten years last past.

Resolved further, That said committee report what legislation, if any, is necessary, touching the matter aforesaid.

Which were read and adopted, and Messrs. Flanagin, Poindexter, and Maxwell, appointed said committee.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature, an act to constitute James Maxey, of Newton county, the legal heir of Walter Maxey.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Dickson moved that the Senate adjourn.

Which motion was lost.

On motion of Mr. Clarke, the memorial from the House of Representatives, on the subject of a road to California, was taken up, the rules of the Senate dispensed with, and the memorial read a second time.

And on further motion of Mr. Clarke, the rules of the Senate were dispensed with, and the memorial read a third time and passed.

Mr. Rector moved that the Senate adjourn.

Which motion was lost.

On motion of Mr. Poindexter, the preamble and resolution giving the consent to the State of Arkansas to the State of Louisiana, to grant a charter for the removal of the Raft in Red river; was taken up, read a second and third time and adopted.

Mr. Underhill, from a select committee, made the following report:

Mr. President: The select committee to whom was referred the bill of the House of Representatives, No. 37, entitled an act to authorize Jas. T. Mileham, late sheriff of Franklin county, to collect arrearages of taxes due him, and which, as sheriff and collector, he advanced and paid to the State and county, have had the same under consideration, and believing that the proposed object of said bill, can be more effectually accomplished, by a general law, and afford relief at the same time to all other sheriffs and late sheriffs, in the same condition, with the late sheriff of Franklin; I have therefore been instructed to report the following, as a substitute for said bill, and recommend its passage.

UNDERHILL, *Chairman.*

The substitute accompanying the above report, entitled an act to extend the time for collecting the arrearages of taxes, to sheriffs and late sheriffs.

Was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, the bill read a third time and passed.

On motion of Mr. Shaw, the Senate adjourned.

J. GOULD, *Pesident pro tem.*
of the Senate.

Tuesday, December 5, 1848

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 21 senators answered to their names.

The journal of yesterday was read and approved.

Mr. Mitchell, from the committee on enrolled bills made the following report:

Mr. President: The committee on enrolled bills, have examined a resolution instructing our delegation in Congress to use their endeavors to establish a mail route from Boonville, in Scott county, *via* Robert Moffatt's Prairie, to Ozark, Franklin county, Also, a resolution instructing our delegation in Congress to use all proper exertions with the P. M. General to procure a change of mail service and transportation between Little Rock and Batesville.

Also, a resolution instructing our delegation in Congress to oppose the removal of any Land Office in this State, from one part of the district to another, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Mr. McClain introduced a bill to be entitled an act to amend the revenue laws.

Was read a second time, and ordered to a third reading on to-morrow.

Mr. Clarke introduced a bill to be entitled an act to incorporate the college of St. Andrew.

Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Clarke, the bill was referred to the committee on education.

House bill No. 2, to be entitled an act to exempt the counties of Washington and Van Buren, from the operation of the act of the 21st December, 1836, empowering the county courts to select petit jurors.

Was read a second time, and on motion of Mr. Williamson, referred to a select committee, consisting of Messrs. Williamson, McCamy, and Shaw.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval the following resolution, to-wit:

A resolution instructing our delegation in Congress to use their endeavors to establish a mail route from Boonville, in Scott county, *via* Robert Moffatt's Prairie, to Ozark, Franklin county.

A resolution instructing our delegation in Congress to use all proper exertions with the P. M. General, to procure a change of mail service and transportation between Little Rock and Batesville.

Also, a resolution instructing our delegation in Congress to oppose the removal of any Land Office in this State, from one part of the district to another.

WM. C. MITCHELL, *Chairman.*

Senate bill No. 45, to be entitled an act concerning the collection of revenue accruing to the State of Arkansas.

Was read a second time, and on motion of Mr. McClain, referred to the committee on the judiciary.

The resolution of the Senate, instructing our Senators, and requesting our Representative in Congress, to obtain the passage of a law, authorizing a weekly mail route, to be carried on horseback, from Antoine post-office, in Clark county, Arkansas, to Clarksville, in Texas, by the way of Murfeesboro, in Pike county, Arkansas; from thence to John Russel's, Paraclifta, and Laynesport, in Sevier county, Arkansas, and to establish post-offices on said route.

Was read a second time and adopted.

House bill No. 48, to be entitled an act to amend and define the 8th section of the act approved 21st December, 1846, entitled an act to amend an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose and for other things.

Was read a second time, and on motion of Mr. Underhill, referred to the committee on internal improvements.

House memorial No. 2, on the subject of the protection of the Indian frontier.

Was read a second time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the memorial read a third time.

Mr. Dickson moved to lay the memorial on the table.

Upon which motion, Mr. McClain called for the yeas and nays, which being ordered, were yeas 4, nays 18.

Yeas, Messrs. Burke, Dickson, Maxwell, and Wilson—4.

Nays, Messrs. Armstrong, Austell, Chism, Clarke, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Underhill, Watkins, and Williamson —18.

So the motion to lay on the table was lost.

The memorial was then passed, and returned to the House of Representatives.

Mr. Flanagin introduced a bill to be entitled an act to amend an act to incorporate the town of Arkadelphia.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the amendment read a second and third time, and passed.

On motion of Mr. Flanagin, the Senate took a recess until 12 o'clock, M.

At 12 o'clock M., the Senate convened.

Mr. Williamson introduced the following resolution:

Resolved by the Senate, That the committee on the Penitentiary be instructed to inquire into the expediency, when any convict who shall hereafter be sentenced to the Penitentiary, shall faithfully discharge all the duties assigned him by the Agent or Keeper of the Penitentiary, he shall be entitled to two days in each and every month, for and during the term for which he was sentenced.

Which was read and adopted.

Mr. Hampton, from the committee on internal improvement, made the following report:

Mr. President: The committee on internal improvement to whom was referred a bill to be entitled an act to authorize the land agent to sell the lands belonging to the State, in forty acre tracts, have had the same under consideration, and I am instructed to report, that it is inexpedient to pass said bill.

HAMPTON, *Chairman.*

Which report was read.

Mr. Chism moved to lay the report on the table,

Upon which motion, Mr. Hampton called for the yeas and nays, which being ordered, were yeas 2, nays 16.

Yeas, Messrs. Chism and Poindexter—2.

Nays, Messrs. Burke, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Rector, Simpson, Underhill, Williamson, and Wilson—16.

So the motion to lay on the table was lost.

The report of the committee was then adopted.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed the joint resolution to instruct our delegation in Congress to use their endeavors to establish a mail route from Boonville, Scott county, to Robert Moffatt's on Six Mile.

Also, the joint resolution, to instruct and request our delegation in Congress to use all proper exertions with the P. M. General to change the mail route from Little Rock to Batesville, Independence county.

Also, a joint resolution of the General Assembly to instruct and request our delegation in Congress to oppose the removal of any Land Office in the State.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom were referred the resolution changing the constitution in relation to Crawford county, report a substitute, which they recommend.

H. FLANAGIN, *Chairman.*

Resolved, That St. Francis, Saline, and Crawford counties, may be reduced in territory to not less than four hundred square miles, and new counties may be created out of the territory of said counties, containing not less than four hundred squre miles; and that a new county may be erected out of part of Union, Ouachita, and Lallas counties, west of the Ouachita river, containing not less than four hundred square miles.

Which report was read

The question was taken on its adoption, and it was lost.

On motion of *Mr*. Rector, the vote taken on the adoption of the report of the committee on internal improvement, recommending the inexpediency of passing a bill to be entitled an act to authorize the land agent to sell the lands belonging to the State, in forty acre tracts, was reconsidered.

On further motion of Mr. Rector, the report was ordered to lie on the table for the present.

Mr. Rector, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred an act to amend the sixth chapter of the Revised Statutes, beg leave to report the following bill as a substitute for the one referred, and recommend the passage of the same.

RECTOR.

A bill to be entitled an act to amend the second section of the sixth chapter of the Digest of Arkansas.

Section 1. *Be it enacted by the General Assembly of the State of Arkansas,* That hereafter actions of Ejectment may be maintained upon a patent certificate issued by the Record of Land Titles of Missouri Territory upon French, Spanish, or other grants.

Which report was read and adopted.

The Bill was read a first time and ordered to a second reading on to-morrow.

On motion of Mr. Simpson, the Senate adjourned.

J. GOULD, *President pro tem. of the Senate.*

Wednesday, December 6, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 21 Senators answered to their names.

The journal of yesterday was read and approved.

Mr. Burke, from the committee on Elections, made the following report:

Mr. President: The committee on Elections to whom was referred a bill to be entitled an act to repeal so much of the 13th section of the 61st chapter of the Revised Statutes, making it the duty of the sheriff to advertise general elections in the several townships, have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendments and recommend its passage, viz: wherever the word revised occurs strike out and insert "digest of the," and the word "authorize" insert "making it the duty," amend also by adding,

That nothing herein contained shall be construed to apply to the first general election to be holden for Judges of the circuit and probate courts and prosecuting attorneys.

Respectfully submitted,
BURKE, *Chairman*
of Committee on Elections.

Which report was read and adopted.

On motion of Mr. Williamson, the bill was ordered to be engrossed and read a third time on to-morrow.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have concurred in the amendment of the Senate, to the bill of the House, entitled an act to change the military road in Hempstead county.

The House have concurred in the joint resolution of the Senate, instructing our delegation in Congress, to procure, for the southern mail route, leading from Little Rock to Washington, Hempstead county, a four horse tri-weekly post coach, and a suitable compensation for carrying the same.

Which is herewith returned.

The House of Representatives have passed a bill to be entitled an act to authorize Arrabella I. Strong, widow of the Hon. John H. Strong, dec'd, to draw his mileage and per diem.

Also, a bill to be entitled an act concerning justices of the peace.

Which are herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Williamson, from a select committee, made the following report:

Mr. President: The select committee to whom was referred the bill to exempt the counties of Washington and Van Buren, from the operation of the act of the 21st December, 1846, empowering the county courts to select petit jurors, have had the same under consideration, and have instructed me to report the same back to the Senate, with amendments, and respectfully ask the adoption of the report and amendments.

Amend by inserting the words "Pope and Yell," in the 4th line, after the word "Washington,"

WILLIAMSON, *Chairman.*

Which was read and abopted.

Mr. Armstrong moved to amend by adding Sevier after the word Yell.

Mr. Simpson moved to amend the amendment by adding Lawrence after Sevier.

Mr. Chism moved to amend the amendment by adding "all the counties in the State."

Mr. McCamy moved to refer the bill and amendments back to the same select committee, with instructions to report a general law on the subject.

Which motion prevailed.

On motion of Mr. Williamson, Mr. President added Messrs. Armstrong and Chism to the same select committee.

Mr. Maxwell, from a select committee made the following report:

Mr. President: The committee to whom was referred a bill to be entitled an act to grant a charter to Joseph Kniffin, for the purpose of building and erecting a toll bridge across Little Red river, in White county, have had the same under consideration and recommend the passage of the bill, with the following amendment, viz: strike out 18 in the 6th line of sec. 3, and insert 25.

D. MAXWELL, *Chairman.*

Which report was read and adopted; and the bill engrossed for a third reading on to-morrow.

Mr. Hampton introduced a bill to be entitled an act to establish the office of Land Agent, and to distribute the duties of said office among the Auditor; and form Land Attorneys and State Collectors, and to facilitate the sale of lands.

Which was read a first time, and on motion of Mr. Hampton, ordered to be printed.

Senate bill, No. 50, to be entitled an act to amend the second section of the 60th chapter of the Digest of Arkansas.

Was read a second time, and ordered to a third reading on to-morrow.

Senate bill, No. 47, to be entitled "an act to amend the revenue laws.

Which was read a second time, and ordered to a third reading on to-morrow.

Mr. Dickson introduced a bill to be entitled an act to change the name of Van Buren county to that of Cass.

Which was read a first time.

On motion of Mr. Dickson, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Rector, the rules of the Senate were dispensed with, and the bill read a third time.

Mr. Shaw introduced a bill to be entitled an act to change the name of Van Buren county to Buchanan, as a substitute for the bill introduced by Mr. Dickson.

Which was read a first time.

The question was taken on the adoption of the substitute, in lieu of the original bill, and was lost.

Mr. Flanagin moved to strike out Cass and insert Sebastian.

Mr. Flanagin offered the following amendment:

Be it further enacted, That this body holding in utter detestation the course pursued by Martin Van Buren, during the five years last past, touching politics, it is hereby enacted that all male children whose christian name is Martin or Martin Van Buren, shall be called and known hereafter by the name of Lewis or Lewis Cass, as the case may be.

Which amendment the chair decided to be out of order.

On motion of Mr. Mayfield, the vote taken on substituting the bill introduced by Mr. Shaw, for the one introduced by Mr. Dickson, was reconsidered.

On motion of Mr. McClain, the bill and substitute were referred to a select committee; consisting of Messrs. McClain, Shaw, and Poindexter.

The message from the House of Representatives, was taken up and read.

House bill, No. 81, to be entitled an act to authorize Arabella I. Strong, widow of John H. Strong, dec'd, to draw his mileage and per diem.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second and third time and passed.

House bill, No. 28, to be entitled an act concerning justices of the peace.

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Rector, the Senate took a recess until 12 o'clck M.

At 12 o'clock M., the Senate convened.

On motion of Mr. Shaw, the Senate adjourned.

J. GOULD, *President pro tem. of the Senate.*

Thursday, Dec. 7, 1848.

The Senate met pursuant to an adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called 20 Senators answered to their names.

The Journal of yesterday was read and approved.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have assented to Senate bill No. 4, entitled an act to change the time of holding the county courts in the counties of Newton and Carroll, with an amendment thereto, in which the concurrence of the Senate is respectfully asked.

The House have assented to the bill of the Senate entitled an act to amend an act to incorporate the town of Arkadelphia.

The House have concurred in the resolution of the Senate, granting the consent of Arkansas to an act of incorporation of the State of Louisiania, for the removal of the Red River Raft.

The House have concurred in the resolution of the Senate, instructing our delegation in Congress to use their exertions to have a mail route established from Antoine P. O. in Clarke county, to Clarksville, Texas, by way of Murfeesboro, in Pike county, from thence to John Russell's, Paraclifta and Laynesport, in Sevier county, and to establish post-offices on said route.

All of which are returned.

The House have passed a bill to be entitled an act to exempt Job *M.* Hale, from the laws now in force in relation to hawkers and pedlers.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Rector introduced the following resolution:

Resolved, That the committee on Auditor's and Treasurer's books shall, if it be found necessary in their investigation, be empowered to require said Auditor or Treasurer, to make out for the use of said committee, copies or abstracts of any books, vouchers, or papers in their respective offices.

Which was read, and laid on the table one day under the rule.

Mr. President laid before the Senate, the following communication:

EXECUTIVE OFFICE,
LITTLE ROCK, 7TH DEC., 1848.

HON. R. C. BYRD, *President of the Senate.*

SIR:

Having communicated to the House of Representatives the importance of some action on the part of this General Assembly in furtherance of the honor's due a gallant citizen soldier of this State, Col. Archibald Yell, who, in the words of his commander, at the affair of Buena Vista, "gallantly fell at the head of his regiment;" I have deemed it proper to call the attention of the Senate, also to a subject affecting so much the memory of this worthy statesman and gallant citizen soldier, as well as the wishes of your common constituents.

With sentiments of consideration and respect, I am,

THO'S S. DREW.

Which was read, and on motion of Mr. Clarke, referred to a select committee, consisting of Messrs. Clarke, Maxwell, and Flanagin.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred an act concerning the collection of the revenue, in the State of Arkansas, have had the same under consideration, and find that its passage would not throng the laws now in force, and recommend that it be rejected.

S. L. AUSTELL *Chairman.*

Which report was read and adopted.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature a joint resolution of the General Assembly of the State of Arkansas, as follows:

That our Senators in Congress to be instructed, and our Representative requested, to use their influence with the Congress of the United States, to have a mail route established from Clarksville. Johnson county, by the way of Eubank's Mill, on Mulberry Creek, thence by F. H. Jones', thence to St. Paul's P. O., in Madison county, once a week on horseback, a distance of sixty-five miles.

J. M. TEBBETTS, *Clerk,*
of the House of Representatives.

Mr. President: I have the honor to present for your honor's signature a memorial to the Congress of the United States, upon the subject of opening a National Road to Santa Fe.

Also, an act to change the military road in Hempstead county.

Also, an act to call in the scrip of Izard county.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The standing committee on the judiciary who were instructed to enquire into the expediency of repealing section 11, chapter 159, of the Digest of the Statutes, under the head of Taverns and Groceries, have instructed me to report the accompanying bill and recommend its passage.

S. L. AUSTELL, *Chairman.*

Which was read and adopted.

The bill accompanying the report, to be entitled an act to amend the 11th section of the 159th chapter of the Digest of the Statutes.

Was read a first time, and ordered to a second reading on tomorrow.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The judiciary committee to whom was referred a resolution to amend the Constitution of this State, have had the same under consideration and report the same back and recomend its passage.

S. L. AUSTELL, *Chairman.*

Which report was read.

The resolution to amend the constitution, accompanying it, was also read.

Mr. Flanagin offered the following amendment, to the resolution:

Resolved, That a majority of the General Assembly of the State of Arkansas, may at any time call a convention to form a Constitution.

Which was read.

On motion of Mr. Rector, the resolution and amendment were referred to the committee on the judiciary, with instructions to report some mode for amending or revising the Constitution.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: The committee on Enrolled Bills have examined a resolution requesting our delegation in Congress to procure a tri-weekly four horse post-coach, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The judiciary committee to whom was referred, Senate bill No. 34, entitled an act to define the crime of 'Felony,' have considered the same, and instructed me to report the same back without amendment and recommend its passage.

S. L. AUSTELL, *Chairman,*

Which report was read and adopted, and the bill accompanying it, read a third time and passed.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred an act to establish judicial districts, adding the times and places for holding the Supreme Court, have had the same under consideration, and are of opinion that its passage would be improper for the following reasons:

1st. That it would impose unreasonable burthens upon the judges.

2nd. That the business of the court would not be disposed of by one set of judges.

3rd. That among the insufficient libraries the devisions of the Supreme Court would be entitled to less consideration when made at its branches than they are now entitled to.

S. L. AUSTELL, *Chairman.*

Which report was read and adopted.

Mr. Underhill, from the committee on Public Printing, made the following report:

Mr. President: The committee on Public Printing to whom was referred Senate bill No. 28, to be entitled an act concerning the printing of the Governor's message and accompanying documents, have had the same under consideration and have instructed me to report it back with the following amendments:

Strike out all after the enacting clause and insert.

Sec. 1. That his Excellency, the Governor, shall cause to be printed and have ready for the General Assembly at each and every session, on or before Wednesday of the first week of the session, the following documents, viz: the report of the State Treasurer, Auditor, Land Agent, Financial Receiver of the State Bank, Trustees of the Real Estate Bank, Officers of the Penitentiary, and such other documents as necessarily accompanies the Governor's annual message.

2. That it shall be the duty of the several officers named in the foregoing section, to furnish the Governor their respective reports, at least one month previous to the meeting of the General Assembly.

3. That this act take effect and be in force from and after its passage.

UNDERHILL, *Chairman.*

Which report was read and adopted, and the bill ordered to a second reading on to-morrow.

Mr. McClain, from a select committee, made the following report:

Mr. President: The select committee to whom was referred the bill entitled an act to change the name of the county of Van Buren to that of Cass; have instructed me to report the same back, by striking out the preamble and inserting the following:

Asd also, to insert the name of Cass wherever the name of Buchanan appears in said bill, and recommend its passage.

McCLAIN, *Chairman.*

Whereas, Martin Van Buren, of the State of New York, by his treachery to the democratic party, and by his adhering to abolition fanatics, giving them aid and comfort in their treasonable crusade against the south, has forfeited the respect of every true democrat, incurred the execration of every patriot, disgraced himself, and brought ignomy upon his name.

And whereas, Lewis Cass, of the State of Michigan, by his patriotic opposition to the schisms of abolitionism, and his faithful public services has won the confidence of all true democrats, the esteem of all real patriots, renown for himself, and lasting fame for his country therefor.

Which report was read.

Mr. Poindexter moved to lay the report and bill on the table.

Upon which motion, Mr. McClain called for the yeas and nays; which being ordered, were yeas 6, nays 17.

Yeas, Messrs. Burke, Flanagin, Hampton, Poindexter, Underhill, and Wilson—6.

Nays, Messrs. Armstrong, Austell, Chism, Clarke, Dickson, Gould, Maxwell, Mayfield, McCamy, McClain, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, and Williamson—17.

So the motion to lay on the table was lost.

Mr. McClain moved that the bill be engrossed and read a third time on to-morrow.

Mr. Poindexter moved to amend by striking out the preamble, and called for the yeas and nays; which being ordered, were yeas 5, nays 18.

Yeas, Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

Nays, Messrs. Armstrong, Austell, Chism, Clarke, Dickson, Gould, Hampton, Maxwell, McClain, McCamy, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, and Williamson—18.

So the motion to strike out the preamble was lost.

Mr. Poindexter moved to amend by striking out Cass and inserting DeKalb, and called for the yeas and nays; which being ordered, were yeas 5, nays 18.

Yeas, Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

Nays, Messrs. Armstrong, Austell, Chism, Clarke, Dickson, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, and Williamson—18.

So the motion to strike out and insert was lost.

Mr. Flanagin offered the following amendment to the preamble:

And whereas, the people of the United States acted very improperly in not electing Lewis Cass, President.

And whereas, the people are under a mistake in supposing that Lewis Cass is not very popular, and also in supposing that Lewis Cass was defeated for want of votes.

Which was read.

The question was then taken on the adoption of the amendment and was lost.

The question was then taken on Mr. McClain's motion to engross the bill, which prevailed.

Mr. Underhill introduced a bill to be entitled an act to extend the time now allowed by law, for sheriffs and late sheriffs to pay into the treasury the amount of State revenue due from their respective counties for the year 1848;

Which was read a first time.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, and the bill read a second and third time and passed.

Mr. Clarke introduced a bill to be entitled an act to aid the collection of debts due from certain residents of the Indian country.

Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Clarke, the bill was referred to the committee on the Judiciary.

*M*essage from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved and signed the joint resolution of the General Assembly, to instruct our Senators and request our Representative in Congress to procure a four horse tri-weekly post coach line from Litle Rock to Washington, in Hempstead county.

Mr. Chism introduced the following resolution:

Resolved, That the committee on Public Printing be requested to enquire into the cause of delay of printing the Governor's message and accompanying documents.

Which was read; and on motion of Mr. Maxwell, it was laid on the table.

The amendment of the House to Senate bill, No. 4, to be entitled an act to change the time of holding the county courts of the counties of Newton and Carroll.

Was read and concurred in by the Senate.

House bill. No. 88, to be entitled an act to exempt Job M. Hale from the laws now in force, in relation to hawkers and pedlers.

Was read a first time.

On motion of Mr. Austell, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Rector moved to amend by inserting, that Alfred Ashbrooks, of Saline county, shall have the same privileges.

Mr. Gould moved to amend by adding: provided, however, that said Hale and Ashbrooks shall exercise the privileges herein granted in their proper person.

On motion of Mr. Rector, the bill and amendments were referred to the Judiciary committee.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: The committee on Enrolled bills, have this day handed to the Governor for his approval; a resolution requesting our delegation in Congress to procure for the southern mail route, leading from Little Rock to Washington, in Hempstead county, a four horse tri-weekly post coache.

MITCHELL, *Chairman.*

Mr. Clarke introduced the following resolution:

Resolved, That the select committee appointed to take into consideration the communication of the Governor, relative to the memory of Col. Archibald Yell, be a joint committee, to act in conjunction with any committee that may be appointed on the part of the House of Representatives, on the subject.

Which was read.

On motion of Mr. Clarke, the rules of the Senate, requiring the resolution to lay on the table one day, were dispensed with, and the resolution taken up and adopted.

Mr. Clarke introduced the following resolution:

Resolved, That the committee on Public Roads be instructed to take into considerati on the expediency and utility of levyinga tax upon lands, so as to reach the large amount of uncultivated lands, lying in this State, owned by non-residents.

Which was read and adopted.

Mr. Flanagin moved to dispense with the rules of the Senate, and the bill read a second time.

Which motion was lost; and the bill ordered to a second reading on to-morrow.

Mr. Maxwell introduced the following resolution:

Resolved, That the two Houses of the General Assembly adjourn *sine die* on Thursday, the 21st day of December, 1848; and that the House of Representatives be requested to concur herein.

Which was read.

Mr. Maxwell moved to suspend the rules, take up the resolution, read a second time, and adopt it.

Which motion was lost; and the resolution ordered to lay on the table one day, under the rule.

Senate bill, No. 37, to be entitled an act to repeals so much of the 13th section of the 61st chapter of the Digest of the Statutes of Arkansas, making it the duty of the sheriffs to advertise general elections in the several townships.

Was read a third time.

The question being on its passage, Mr. Rector called for the yeas and nays; which being ordered, were yeas 14, nays 8.

Yeas, Messrs. Burke, Chism, Clarke, Hampton, Maxwell, McCamy, Mitchell, Poindexter, Reyburn, Shaw, Underhill, Watkins, Williamson, and Wilson,—14.

Nays, Messrs. Armstrong, Austell, Dickson, Flanagin, Gould, Mayfield, McClain, Simpson—8.

So the bill was passed.

Senate bill No. 41, to be entitled an act to grant a charter to

Joseph Niffin, for the purpose of erecting and building a brigde across Little Red River, in White county, Arkansas.

Was read a third time and passed.

Senate bill, No. 50, to be entitled an act to amend the 2d section of the 60th chapter of the Digest of Arkansas.

Was read a third time and passed.

Senate bill, No. 47, to be entitled an act to amend the revenue laws.

Was read a third time; and on motion of Mr. McClain, it was laid on the table for the present.

House bill, No. 28, to be entitled an act concerning attachments before justices of the peace.

Was read a second time; and on motion of Mr. Chism, referred to the committee on the Judiciary.

Senate bill, No. 55, to be entitled an act to divide the State into Judicial circuits; to provide for the election of Judges of the circuit courts; of Judges of the county and probate courts; of Prosecuting Attorneys; and to provide for the interchange of circuits.

Was read a first time.

On motion of Mr. Williamson, the bill was referred to the committee of the whole, and made the order of the day for to-morrow.

Mr. Shaw introduced the following resolution:

Resolved, That no new bill shall be introduced in the Senate or House of Representatives, after the first day of February, 1849, and the House of Representatives be respectfully requested to concur herein.

Which was read a first time, and laid on the table one day under the rule.

On motion of Mr. Flanagin, the Senate adjourned.

J. GOULD, *President pro tem.*
of the Senate.

Friday, December 8, 1848.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

The chair ordered a call of the Senate; the roll being called, 25 senators answered to their names.

The journal of yesterday was read and approved.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day examined an act to change the time of holding the county courts in the counties of Newton and Carroll.

Also, an act to amend an act to incorporate the town of Arkadelphia.

A joint resolution instructing our Senators, and requesting our Representative in Congress to obtain the passage of a law, authorizing a weekly mail route, to be carried on horse back, from Antoine post office, in Clark county, Arkansas, to Clarksville, in Texas, by the way of Murfreesboro', in Pike county, Arkansas; from thence to John Russell's, Paraclifta, and Laynesport, in Sevier county, Arkansas.

Also, a preamble and joint resolution giving the consent of the State of Arkansas to a charter granted to the citizens of Arkansas, Louisiana, and Texas, by the Legislature of Louisiana for the removal of the Red River Raft, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Message from the House of Representatives by the Clerk:

Mr. President: I present for your honor's signature a memorial to Congress on the subject of the protection of the western frontier.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

Mr. McClain, introduce the following resolution:

Resolved, That that portion of the Governor's message that relates to the compensation of George W. Patrick, late Bank Agent, be referred to the committee on Banks; and that they be requested to report by bill, what amount he is entitled to for his late services as such Bank Agent, at the earliest day practicable.

Which was read and adopted.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, an act to change the time of holding the county courts in the counties of Newton and Carroll.

Also, an act to amend an act to incorporate the town of Arkadelphia.

Also, a joint resolution instructing our Senators and requesting our Representative in Congress, to procure the passage of a law authorizing a mail route from Antoine P. O. to Clarksville.

Also, a preamble and joint resolution giving the consent of the State of Arkansas to a charter granted to the citizens of Arkansas, Louisiana and Texas, by the Legislature of Louisiana for the removal of the Red River Raft.

WM. C. MITCHELL, *Chairman.*

Mr. Watkins, from the committee on memorials, made the following report:

Mr. President: The committee on memorials to whom was referred the memorial of thirty-four citizens of Saline and Pulaski counties asking the passage of a law to increase the pay of witnesses in certain cases, &c., have had the same under consideration and have instructed me to report favorable for the reception of the prayer of the memorialists, and to ask that a bill be passed for the relief of persons similarly situated in future, whereupon the committee respectfully recommend the passage of the accompanying bill.

WATKINS, *Chairman.*

Which report was read and adopted.

The bill accompanying it to be entitled an act to increase the pay of witnesses in criminal cases;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. McCamy was called to the chair.

Mr. Gould, from the committee on Banks, made the following report:

Mr. President: The standing joint committee on banks, to whom was referred that part of the Governor's message relating to banks, have had the subject matter under consideration, and have agreed to report a bill entitled an act to withdraw the branches of the Bank of the State of Arkansas, and for other purposes; which bill is to be reported to the House.

J. GOULD, *Chairman.*

Which report was read and adopted.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom were referred a bill entitled an act concerning the duties of county courts and clerks thereof, have considered the same and have instructed me to report the same back without amendment and recommend its passage.

S. L. AUSTELL, *Chairman.*

Which report was read and adopted.

Senate bill No. 39, accompanying the above report was read a third time and passed.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have assented to the bill of the Senate to be entitled an act to change the time of holding the county and probate courts of the county of Union.

Also, an act to authorize administrators to use discretionary powers in certain cases.

Which is herewith returned.

The House of Representatives have passed a bill to be entitled an act to prevent the failure of the next January term of the Supreme Court of this State.

Also, an act supplementary to an act for the election of school commissioners, &c.

Which is herewith transmitted for the Senate.

The House of Representatives have passed a memorial to the Congress of the United States, praying the extension of certain mail routes.

Also, a memorial to the Congress of the United States for the relief of Jonathan Lewis, both of which are herewith transmitted for the assent of the Senate.

The House of Representatives have also assented to the bill of the Senate to be entitled an act to extend the time now allowed by law for sheriff's &c.

Which is herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Austell, from the judiciary committee, made the following report:

Mr. President: The committee on the judiciary to whom was referred House bill No. 88, have considered the same, and have instructed me to report the same back with the following amendments, and recommend its passage:

Strike out all after the enacting clause, and insert the following: "that Job M. Hale and Alfred Ashbrooks, shall be allowed to hawk and peddle goods, wares and merchandise, in this State, free from State or County license; *Provided*, the said Job. M. Hale and Alfred Ashbrooks, or either of them, shall, in no case use the privilege hereby granted, for the benefit of any other person or persons, and provided further, that they or either of them shall exercise the privilege hereby granted in their own proper persons, and not by Agent.

Sec. 2. That should the said Job M. Hale and Alfred Ashbrooks, or either of them be found guilty of dealing as a pedler or hawker contrary to the provisions of this act, they, or either of them, shall forfeit and pay double the amount of the license, they, or either of them would have been liable for, or chargeable with.

Sec. 3. That this act take effect from and after its passage.

S. L. AUSTELL, *Chairman.*

Which report was read and adopted.

On motion of Mr. Rector, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Austell, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. President resumed the chair.

Mr. Williamson, from a select committee, made the following report:

Mr. President: The select committee to whom was referred the bill to exempt Washington and Van Buren counties from the operation of the act of 21st of December, 1846, making it the duty of the county courts to select petit juries, have had the same under consideration and have instructed me to report the bill back to the Senate, and offer the following bill as a substitute in lieu of the original bill, and respectfully recommend the adoption of the report and passage of the substitution.

WILLIAMSON.

Which report was read, and on motion of Mr. Chism, adopted.

The bill accompanying it, to be entitled an act to repeal an act approved 21st December, 1846, empowering county courts to select petit jurors.

Was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

And on motion of Mr. Poindexter, the bill was referred to the committee on the judiciary.

Mr. Poindexter introduced a bill to be entitled an act to exempt the Public Printer from serving on juries.

Which was read a first time.

On motion of Mr. Poindexter, the rules of the Senate were dispensed with and the bill read a second time.

Mr. Clarke offered the following amendment:

Strike out all in the first section clause, and insert in lieu thereof, that all printers and hands engaged in publishing newspapers in the State be, and are hereby exempted from serving on juries.

Which was read.

Mr. McCamy moved to amend the amendment as follows:

And all farmers during March, April, May and June.

Mr. Reyburn moved to amend the amendment, by inserting all farmers and mechanics, that are industrious.

Mr. Williamson moved to lay the amendments on the table until the 1st day of February.

When Mr. Clarke asked and obtained leave to withdraw his amendment.

The question was then taken on Mr. Williamson's motion to lay the amendments on the table, and it prevailed.

Mr. Clarke again offered his amendment.

Which was again read, and the question being on its adoption, Mr. McClain called for the yeas and nays, which being ordered, were yeas 6, nays 16.

Yeas, Messrs. Armstrong, Chism, Clarke, McClain, Mitchell, and Shaw—6.

Nays, Messrs. Austell, Burke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, Poindexter, Rector, Reyburn, Simpson, Underhill, Watkins, Williamson, and Wilson—16.

So the amendment was lost.

Mr. Rector moved to amend by striking out all of the first section after the word 'Juries' in the 6th line, and inserting in lieu thereof 'during the session of the Legislature.

Mr. McClain moved to lay the amendment and bill on the table indefinitely, and called for the yeas and nays, which being ordered were yeas 13, nays 10.

Yeas, Messrs. Armstrong, Austell, Clarke, Dickson, McCamy, McClain, Mitchell, Reyburn, Shaw, Simpson, Underhill, Watkins, and Williamson—13.

Nays, Messrs. Burke, Chism, Flanagin, Gould, Hampton, Maxwell, Mayfield, Poindexter, Rector, and Wilson—10.

So the bill and amendment were laid on the table indfinitely.

The joint resolution of the Senate introduced on yesterday by Mr. Rector, requiring the Auditor and Treasurer to make out copies or abstracts of any books, vouchers, or papers in their respective offices for the use of the committee on Auditor's and Treasurer's books.

Was read and adopted.

Senate bill No. 54, to be entitled an act to repeal sec. 15, on page 326, of the Digest of the Statutes of Arkansas..

Was read a second time, and on motion of Mr. Flanagin, referred to the committee on the judiciary.

The resolution introduced on yesterday by Mr. Maxwell, to adjourn *sine die*, on Thursday the 21st day of December, 1848, was read a second time.

Mr. Rector moved to amend the resolution by adding;

Provided, That the General Assembly get through with all the business on the tables.

Mr. McCamy moved to lay the resolution and amendment on the table, until the first Monday in February, 1849.

Upon which motion, Mr. Maxwell called for the yeas and nays, which being ordered, were yeas 14, nays 8.

Yeas, Messrs. Chism, Clarke, Dickson, Flanagin, Gould, Mayfield, McCamy, McClain, Mitchell, Poindexter, Rector, Simpson, Watkins, and Wilson—14.

Nays, Messrs. Armstrong, Austell, Burke, Hampton, Maxwell, Reyburn, Underhill, and Williamson—8.

So the bill and amendments were laid on the table.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the

Governor has approved and signed a bill to be entitled an act to change the time of holding the county courts of Newton and Carroll.

Also, a bill to be entitled an act to amend an act to incorporate the town of Arkadelphia.

Also, a joint resolution to instruct our delegation in Congress, to obtain a weekly mail route, to be carried on horse-back, from Antoine post office, in clark county, Arkansas, to Clarksville, Texas.

Also, the consent of the General Assembly to any reasonable charter to open the Red River Raft.

Senate bill, No. 53, to be entitled an act to amend the 11th section of the 159th chapter of the Digest of the Statutes.

Was read a second time.

On motion of Mr. Hampton, ordered to be engrossed and read a third time on to-morrow.

The joint resolution, introduced on yesterday, by Mr. Shaw, fixing the first day of February, 1849, as the time for the introduction of bills to cease, was read a second time.

Mr. Williamson moved to strike out the words "first day of February, 1849."

Which motion prevailed.

Mr. Williamson moved to fill the blank with the words "20th day of December, 1848.

Mr. Chism moved to lay the resolution and amendment on the table.

Which motion was lost.

The question was taken on the adoption of the amendment offered by Mr. Williamson, and it was lost.

On motion of Mr. McCamy, the resolution was laid on the table indefinitely.

Senate bill, No. 51, to be entitled on act to change the name of Van Buren county to Cass.

Was read a third time, and the question being on its passage, Mr. Reyburn called for the yeas and nays; which being ordered, were yeas 18, nays 5.

Yeas, Messrs. Armstrong, Austell, Chism, Clarke, Dickson, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Rector, Reyburn, Shaw, Simpson, Watkins, and Williamson—18.

Nays, Messrs. Burke, Flanagin, Poindexter, Underhill, and Wilson—5.

So the bill was passed.

Mr. Williamson moved that the Senate go into committee of the whole, on Senate bill, No. 55, to be entitled an act to divide the State into Judicial circuits; to provide for the election of Judges of the circuit courts; of Judges of the county and probate courts; of Prosecuting Attorneys; and to provide for the interchange of circuits.

Which motion was lost.

On motion of Mr. McClain, the Senate agreed to go into committee of the whole on said bill, and make it the order of the day for to-morrow.

Senate bill, No. 28, to be entitled an act concerning the printing of the Governor's message, and accompanying documents.

Was read a third time and passed.

Senate bill, No. 52, to be entitled an act to abolish the office of Land Agent, and to distribute the duties of said office among the Auditor and four Land Attorneys and State Collectors, and to facilitate the sale of lands.

Was read a second time; and on motion of Mr. Hampton, referred to the committee on Internal Improvement.

Mr. Mayfield introduced a bill to be entitled an act to amend an act to place the Bank of the State of Arkansas in liquidation.

Which was read a first time.

On motion of Mr. Mayfield, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Mayfield, the bill was referred to the committee on Banks.

The message from the House of Representatives, was taken up and read.

House bill, No. 96, to be entitled an act to prevent the failure of the next January term of the Supreme Court of this State.

Was read a first time.

On motion of Mr. Armstrong, the rules of the Senate were dispensed with, and the bill read a second and third time and passed.

House memorial, No. 4, to the Congress of the United States, praying the extension of the present mail route, from Napoleon to Rock Roe and Batesville, in steamboates; and from thence via Springfield, Missouri, to Boonsville, Mo., in four horse post coaches; also, a stage line from St. Louis, Mo., via Batesville, Arkansas, to Little Rock, to be carried in four horse post coaches.

Was read a first time.

On motion of Mr. Watkins, the rules of the Senate were dispensed with, the memorial read a second and third time and passed.

House bill, No. 72, to be entitled an act supplementary to an act entitled an act for the election of school commissioners, and for the sale and disposition of section 16, in township 13, north of range 6 west.

Was read a first time, and ordered to a second reading on to-morrow.

House memorial, No. 5, to the Congress of the United States, in behalf of Jonathan Lewis.

Was read a first time.

On motion of Mr. Wilson, the rules of the Senate, were dispensed with, the memorial read a second and third time and passed.

On motion of Mr. Armstrong, the Senate adjourned.

J. GOULD, *President pro tem. of the Senate.*

Saturday, December 9, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate, the roll being called, 17 senators answered to their names.

The journal of yesterday was read and approved.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: the committee on Enrolled bills have examined an act to extend the time now allowed sheriffs and late sheriffs to pay into the treasury the amount of State revenue due from their respective counties for the year 1848, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Mr. President called Mr. Flanagin to the chair.

Mr. Underhill introduced the following resolution:

Resolved, That the committee on Internal Improvements be instructed to enquire into the condition of the Internal Improvement fund; and to report to the Senate at an early day, the amount of available means on hand of said fund; the amount of doubtful and bad notes due said fund; the condition of the State land office, and the manner in which the duties thereof have been discharged.

Which was read and adopted.

Mr. Austell, from the committee on the Judiciary, made the following report:

Mr. President: The Judiciary committee to whom was referred Senate bill, No. 42, entitled an act relative to the exemption of property from execution, have considered the same, and a majority of the committee have instructed me to report the same back, with the following amendment, and recommend its passage.

Strike out all of the first section after the enacting clause, and insert the following:

That in addition to the property now exempt from execution, by the laws of this State, the books, maps, charts, mathematical instruments, philosophical or other scientific apparatus, belonging to the library of any person or persons, used by a family, or in the exercise of any business or profession, shall also be exempt from execution; provided, the same does not exceed two hundred and fifty dollars in value, and provided further, that the same shall be kept for use and not for sale.

S. L. AUSTELL, *Chairman.*

Which report was read, and on motion of Mr. McClain adopted.

On motion of Mr. Austell, the bill as amended, was ordered to be engrossed and read a third time on Monday next.

Mr. Poindexter, from a select committee, made the following report:

Mr. President: The select committee on the subject of the Hot Springs, report that it has had the same under consideration, and have learned that there are private claims, not as yet fully settled relative to said Springs, and not wishing in any manner to prejudice said claims by their action, therefore ask to be discharged from further consideration of the subject.

POINDEXTER, *Chairman.*

Which report was read; and on motion of Mr. Williamson, adopted.

Mr. Chism, from the committee on Internal Improvements, to whom was referred Senate bill, No. 3, to be entitled an act to authorize the Land Agent to sell the lands belonging to the State, in forty acre tracts, made the following minority report:

Mr. President: The majority of the committee on Internal Improvements, to whom was referred a bill to be entitled an act to authorize the Land Agent to sell the Internal Improvement lands in as small quantities as forty acres, having reported against the bill, the minority differing with the majority in their conclusion, beg leave to submit the following report:

The minority of the committee believe it to be the best policy for the State, in disposing of her public domain, to put it in market in such small subdivisions as will enable the poorer class of citizens to procure for themselves homes, and attach themselves permanently to the soil of the State. At one dollar and a quarter per acre, on five years credit, the poorest man in the country, can procure a home for himself and family; while the more wealthy may purchase a number of such tracts, and thereby, both, indeed, all classes, may be accommodated. On the other hand, if a less quantity than 80 acres be not sold, many of the poorer class of citizens are cut off from the benefit of those lands, and they fall into the hands of men who have been blessed with the good fortune to have more ability to purchase them. By selling 40 acre tracts, the Internal Improvement fund would suffer nothing, and a class of citizens who need assistance from the government, and whom the State should allways be willing to aid, would be greatly benefitted. The State should aid every man, as far as in her power, to procure a permanent home. While men live on public or rented lands, they are apt to be moving from place to place, and have no encouragement to make permanent improvements. But when the citizen is enabled to procure a homestead of his own, however humble; when he can say "I am lord of the soil on which I tread;" he becomes identified with and attached to the State, and sets himself cheerfully to work in making suitable improvements, and engaging in such industrious pursuits as will make himself and family comfortable and happy and contribute to the wealth and prosperity of the community in which he lives. For these and many other reasons, which might be urged, the minority of the committee recommend the passage of said bill.

CHISM, *Minority of the Committee.*

Which report was read.

Mr. Gould moved the adoption of the minority report.

On motion of Mr. Underhill, the majority report and the bill accompanying it, were taken up and read.

Mr. Underhill moved to lay the minority report on the table.

Upon which motion, Mr. Chism called for the yeas and nays, which being ordered, were yeas 13, nays 9.

Yeas, Messrs. Austell, Burke, Flanagin, Hampton, Mayfield, McClain, Mitchell, Rector, Simpson, Underhill, Watkins, Williamson, and Wilson—13.

Nays, Messrs. Armstrong, Chism, Clarke, Gould, Dickson, McCamy, Poindexter, Reyburn, and Shaw—9.

So the minority report was laid on the table.

Mr. Underhill moved the adoption of the majority report.

Upon which motion, Mr. Chism called for the yeas and nays, which being ordered, were yeas 14, nays 8.

Yeas, Messrs. Austell, Burke, Flanagin, Hampton, Mayfield, McClain, Mitchell, Rector, Reyburn, Simpson, Underhill, Watkins, Williamson and Wilson—14

Nays, Messrs. Armstrong, Chism, Clarke, Dickson, Gould, McCamy, Poindexter, and Shaw—8.

So the majority report was adopted and the bill thereby lost.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature, a bill entitled an act to authorize Arabella I. Strong, widow of the Hon. John H. Strong, deceased, to draw his mileage and per diem.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act to amend the road law.

Also an act to legalize the sale of lots in the town of Dover.

Also, an act fixing the time for holding elections for Electors of President and Vice President of the United States.

Also, an act for the relief of George H. Wells.

Also, an act to call in the scrip in Lawrence county.

Also, an act to empower presiding Judges of the county courts to approve collector's bonds in vacation.

Also, an act to define the line between the counties of Newton, Madison, and Johnson.

Also, an act for the benefit of Thomas Maddin, as administrator of James Maddin, dec'd, late of Pope county.

Also, an act for the relief of Blessington H. Blount.

The House of Representatives have assented to a resolution of the Senate, instructing our delegation in Congress to use their influence to procure an extension of the mail route from Arkadelphia to the residence of Alexander B. Clingman, &c., to Montgomery county.

The House of Representatives have also assented to Senate bill, No. 40, entitled an act to extend the time for collecting the arrearages of taxes to sheriffs and late sheriffs.

The House of Representatives have also assented to Senate bill, No. 32, to be entitled an act to incorporate the town of Wittsburg.

All of which are herhwith returned.

The house concurred in the amendment of the Senate to the resolution of the House, for the relief of John W. Cocke, as executor of John Pope, dec'd.

The House have adopted a Memorial to the Congress of the U. States, asking appropriations for the repairs and completion of forts and barracks on the western frontier of this State.

Also, a joint resolution proposing an amendment to the Constitution of this State, in relation to the county of Washington.

Both of which are transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: The committee on Enrolled bills, have this day handed to the Governor for his approval; an act to extend the time now allowed by law for sheriffs and late sheriff to pay into the treasury, the amount of State revenue due from their respective counties for the year 1848.

MITCHELL, *Chairman.*

Mr. Gould, on leave, introduced the following resolution:

Resolved, That the committee on the Penitentiary, be instructed to ascertain on what terms the Penitentiary can be leased to Geo, Brodie, Esq., for a period of ten years; and to embrace in said lease a contract for building the necessary wall and work shops; and that full plans and specifications of such proposed improvement accompany the report of the committee.

Which was read.

On motion of Mr. Gould, the rules of the Senate, requiring the resolution to lay on the table one day, were dispensed with, and the resolution taken up and adopted.

Mr. President resumed the chair.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a bill entitled an act to extend the time now allowed by law for sheriffs and late sheriffs to pay into the treasury the amount of State revenue due from their respective counties for the year 1848.

On motion of Mr. Williamson, the Senate resolved itself into a committee of the whole on

Senate bill, No. 55, to be entitled an act to divide the State into Judicial circuits; to provide for the election of Judges of the circuit courts; of Judges of the county and probate courts; of Prosecuting Attorneys; and to provide for the interchange of circuits.

Mr. Poindexter in the chair.

After sometime spent in committee of the whole, the chairman reported the bill back to Senate, with amendments, and asked their adoption.

The first amendment reported by the committee, was read as follows:

Strike out "six," in the 2d line of the first section, and insert "eight."

Mr. Mayfield moved a call of the Senate. The roll was called and 21 Senators answered to their names.

The question was then taken on the adoption of the amendment reported by the committee of the whole, and was adopted.

The second amendment reported by the committee was read, as follows:

Sec. —. *Be it further enacted*, That it shall be the duty of the sheriff of Drew county to advertise the elections in the county of Ashley, and the returns of the elections of the county of Ashley, shall be made to the county clerk of Drew county, and be by him opened, counted, and certified, in the manner prescribed by this act.

It was adopted by the Senate.

Mr. McCamy was called to the chair.

On motion of Mr. Gould, Senate bill No. 55, to be entitled an act to divide the State into Judicial circuits; to provide for the election of Judges of the circuit courts; of Judges of the county and probate courts; of Prosecuting Attorneys, and to provide for the interchange of circuits, was referred to the committee on the Judiciary, with instructions to remoddle the bill, so as to suit eight circuits.

Senate bill, No. 53, to be entitled an act to amend the 11th section of chapter 159, of the Digest of the Statues.

Was read a third time and passed.

Senate bill, No. 56, to be entitled an act to increase the pay of witnesses in criminal cases.

Was read a second time.

Mr. McClain moved to lay the bill on the table indefinitely.

Which motion was lost.

The bill was ordered to a third reading on Monday next.

House bill, No. 72, to be entitled an act supplementary to an act entitled an act for the election of school commissioners, and for the sale and disposition of section 16, in township 13 north of range 6 west.

Was read a second time.

On motion of Mr. Watkins, the rules of the Senate were dispensed with, the bill read a third time and passed.

The message from the House of Representatives was taken up, and read.

On motion of Mr. Armstrong, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Monday, December 11, 1848.

The Senate met pursuant to adjournment.

The chair ordered a call of the Senate; the roll being called, 23 Senators answered to their names.

Prayer by the Rev. Mr. Green.

The journal of Saturday was read and approved.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: The committee on enrolled bills have examined an act for the benefit of John Anderson.

Also, an act to incorporate the town of Wittsburg.

Also, an act to change the time of holding the county and probate courts of the county of Union.

Also, an act to authorize administrators to use discretionary powers in certain cases.

Also, an act to extend the time for collecting the arrearages of taxes to sheriff's and late sheriff's.

Also, a joint resolution requesting our delegation in Congress to procure an extension of the mail route from Arkadelphia to the residence of Alexander B. Clingman's.

And find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. Hampton, leave of absence was granted Mr. Underhill, on account of indisposition.

Mr. Gould introduced a memorial signed by Richard T. Jennings, praying the passage of an act for his relief, for balances due him for painting and glazing the State House, and for materials furnished by him amounting to $8,669 52½.

Which was read.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the memorial read a second time.

On further motion of Mr. Gould, the memorial was referred to the committee on claims.

Mr. Austell introduced the following resolution:

Resolved, That the General Assembly now in session adjourn *sine die* on Thursday 23d inst., and that the House of Representatives be requested to concur therein.

Which was read, and laid on the table one day under the rule.

On motion of Mr. McCamy, the vote taken on Saturday, on the following amendment made by the committee of the whole and adopted by the Senate, to Senate bill No. 55, to be entitled an act to divide the State into judicial circuits; to provide for the election of judges of the circuit court; of judges of the county and probate conrt; of prosecuting attorneys; and to provide for the interchange of circuits, to-wit: strike out 'six' in the second line of the first section and insert 'eight,' was reconsidered.

On motion of Mr. Gould, Messrs. Watkins, McCamy and Poindexter, were added to the judiciary committee, during the time the committee should have under consideration said bill.

Mr. McCamy, from the committee on education, made the following report:

Mr. President: The committee on education to whom was referred a bill to be entitled an act to incorporate the college of St. Andrew, have had the same under consideration, and have instructed me to report the bill back to the Senate and recommend that it is inexpedient to pass the said bill, and that it be laid on the table.

McCAMY, *Chairman.*

Which report was read and adopted.

On motion of Mr. Gould, the bill was recommitted to the committee on education.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred so much of the Governor's message as related to certain suits pending in the United States Supreme Court in the State, is a party, have instructed me to report the accompanying bill, and recommend its passage.

J. GOULD.

Which report was read and adopted.

The bill accompanying the report to be entitled an act authorizing the Governor to employ legal council in certain casese, was read a first time and ordered to a second reading on to-morrow.

On motion of Mr. McClain, Mr. Clarke was added to the committee on education.

Senate bill No. 42, to be entitled an act relative to the exemption of property from execution.

Was read a third time and passed.

Senate bill No. 56, to be entitled an act to increase the pay of witnesses in criminal cases.

Was read a third time, and on motion of Mr. Watkins, laid on the table for the present, as Mr. Rector, at whose instance the bill was introduced was not in his seat.

House bill No. 101, to be entitled an act for the relief of Blessington H. Blount, was read a first time and ordered to a second reading on to-morrow.

House bill No. 93, to be entitled an act for the benefit of Thomas Maddin as administrator of Ja's Maddin dec'd, late of Pope county, was read a first time.

On motion of Mr. Wilson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Wilson, the bill was referred to the committee on the judiciary.

House bill No. 40, to be entitled an act to empower presiding judges of the county court to approve the bonds of collectors in vacation.

Was read a first time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Williamson, the bill was referred to the committee on the Judiciary.

House bill No. 35, to be entitled an act to call in the scrip of Lawrence county.

Was read a first time.

On motion of Mr. Simpson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Simpson, the bill was referred to a select committee, consisting of Messrs. Simpson, Shaw and Watkins.

House bill No. 51, to be entitled an act to define the line between the counties of Newton, and Madison.

Was read a first time.

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Mitchell, the bill was referred to a select committee, consisting of Messrs. Mitchell, Dickson, Williamson and McClain.

House memorial No. 3, asking appropriations to make repairs for Forts and Barracks, on the western frontier of the State of Arkansas.

Which was read a first time, and ordered to a second reading on to-morrow.

House bill No. 82, to be entitled an act to amend the road laws.

Which was read a first time, and ordered to a second reading on to-morrow.

House bill No. 60, to be entitled an act to legalize the sale of lots in the town of Dover.

Which was read a first time, and ordered to a second reading on to-morrow.

The resolution from the House to amend the Constitution, by striking out of the 29th article the words 'except Washington county, which may be reduced to six hundred square miles'.

Was read a first time and ordered to a second reading on to-morrow, by the unanimous vote of the Senate, as follows:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Watkins, Williamson, Wilson, and Mr. President—23.

House bill No. 41, to be entitled an act fixing the time of holding elections for electors of President and Vice President of the United States.

Was read a first time.

On motion of Mr. Armstrong, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Armstrong, the bill was referred to the committee on the judiciary.

House bill No. 45, to be entitled an act for the relief of George H. Wells.

Was read a first time.

On motion of Mr. Simpson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Simpson, the bill was referred to a select committee, consisting of Messrs. Simpson, Gould and Williamson.

Mr. Chism, from a select committee made the following report:

Mr. President: The select committee to whom was referred Senate bill No. 10, to be entitled an act to exempt from execution forty acres of land to every man of a family, or widow woman with a family, have had the same under consideration, and a majority have instructed me to report the bill back without amendment, and recommend that the Senate go into a committee of the whole on said bill, and that they be discharged from the further consideration of the subject.

CHISM, *Chairman.*

Which was read and adopted.

On motion of *M*r. Chism, the Senate resolved itself into a committee of the whole on the bill reported by him from the select committee.

Mr. Williamson in the chair.

After sometime spent therein the committee reported the bill back to the Senate without amendment, and asked to be discharged from the further consideration of the same.

Which report was adopted.

Mr. McClain moved to amend the bill by adding after the words 'forth acres,' or a less quantity, unless the same be within the plat of a town survey; ***Provided,*** it is worth not more than $400.

Mr. Reyburn moved to amend the amendment, by striking out '$400,' and inserting '$500,' which was accepted by Mr. *M*cClain.

On motion of Mr. Flanagin, the bill and amendments were laid on the table indefinitely.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval an act for the benefit of John Anderson.

Also, an act to incorporate the town Wittsburg.

Also, an act to change the time of holding the county and probate courts of the county of Union.

Also, an act to authorize administrators discretionary power in certain cases.

Also, an act extending the time for collecting the arrearages of taxes to sheriff's and late sheriff's.

WM. C. MITCHELL, *Chairman.*

Mr. Mayfield introduced a bill to be entitled an act concerning pedlers.

Was read a first time, and ordered to a second reading on tomorrow.

On motion of *M*r. Armstrong, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Tuesday, December 12, 1848

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

The journal of yesterday was read and approved.

Mr. President ordered a call of the Senate; the roll being called, 23 senators answered to their names.

Mr. Clarke introduced a memorial signed by Wm. Pelham. setting forth that, on the 9th day of January, 1843, he executed his notes to the State of Arkansas for the sum of $640, for 320 acres of land located by him, of the 500,000 acre donation; to-wit: the east half of the south-east quarter, the north-east quarter, and the east half of the north-west quarter of section 8, in township 19 north, range 31 west; that he had cleared, fenced, and cultivated 160 acres of said land,] at an expense of $800 or $1,000; that he had suffered very heavy losses, caused by the failure of a friend, amounting to about $14,000, and that the branch of the Bank of the State of Arkansas, at Fayetteville, had recovered judgment against him, as security for one Joseph M. Shepperd, for the sum of $800, damages and cost; that in consequence of the losses mentioned, he is wholly unable to pay the notes given to the State for the land aforesaid; and respectfully asks the General Assembly to cancel the contract entered into between him and the State, and deliver to him his notes executed for the same, and in consideration of the valuable improvements made by him on the land, he asks that the State release him from the payment of the judgment obtained against him as security of Shepperd, by the Bank.

Which memorial was read a first time.

On motion of Mr. Dickson, the rules of the Senate were dispensed with, and the memorial read a second time.

And on further motion of Mr. Dickson, the memorial was referred to a select committee, consisting of Messrs. Dickson, Burke, McClain, and Mayfield.

Mr. Gould asked to be, and was excused from serving on said select committee.

On motion of Mr. McClain, Mr. Clarke, was added to the committee in place of Mr. Gould.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have adopted a joint resolution proposing an amendment to the Constitution of this State so as to change the mode of altering and amending said instrument.

Also, a joint resolution declaring that it is not expedient that the joint resolutions and memorials passed at this General Assembly should be published with the acts, and instructing the Secretary of State to withhold the same from publication.

In which the concurrence of your honorable body is respectfully asked.

The House of Representatives have passed a bill to be entitled an act for the relief of the settlers upon the 500,000 acre grant within the bounds of the De Bastrop claim.

Also, an act to incorporate the Terrenoir navigation company.

Also, an act to amend the law of attachments before justice of the peace.

Also, an act for the relief of Westley Walker of Monroe county.

Also, a memorial to the Congress of the United States, on the subject of valueless school lands.

Also, an act for the relief of Isaac N. Jackson, late sheriff of Sevier county.

Also, an act to amend the fourteenth section of the third article of the one hundred and fifty-third chapter of the Revised Code.

Also, an act to amend the marriage law.

Also, an act to declare Cadron river a navigable stream.

Also, an act for the relief of David Moore.

Also, an act to re-establish the old line between Perry and Montgomery counties.

Also, an act to carry into effect the nuncupative will of Hasting Starks, late a citizen of Bradley county, in this State.

Also, an act to incorporate the town of Batesville.

The House of Representatives have also assented to bill No. 34, entitled an act to define the crime of Felony.

The House have concurred in the joint resolution of the Senate, No. 4, instructing our delegation in Congress to establish a weekly mail route by steam boat, from Napoleon, Ark's, to New Madrid, Missouri, in lieu of the land routes.

The House of Representatives have also adopted a joint resolution of the Senate, instructing our delegation in Congress to use their influence in establishing certain mail routes.

The House have assented to the bill of the Senate entitled an act to empower county courts to appoint Notaries Public, with an amendment thereto.

In which the concurrence of the Senate is respectfully asked.

All of which are herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present for your honor's signature an act to prevent the failure of the next January term of the Supreme Court of this State.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Gould, from the committee on the Judiciary, made the following report:

Mr. President: The standing committee on the Judiciary, to whom was referred a bill to divide the State into judicial circuts, have instructed me to report the accompanying bill as a substitute, and recommend its passage.

J. GOULD.

Which report was read.

The substitute accompanying it to be entitled an act to divide the State into judicial circuits; to provide for the election of judges of the circuit court; of judges of the county and probate court; of prosecuting attorneys, and to provide for the interchange of circuits.

Was also read.

The question being on the adoption of the report, Mr. McClain called for the yeas and nays, which being ordered, were yeas 13, nays 10.

Yeas, Messrs. Armstrong, Austell, Black, Burke, Clarke, Flanagin, Gould, Hampton, Poindexter, Reyburn, Simpson, Watkins, and Mr. President—13.

Nays, Messrs. Chism, Dickson, Maxwell, Mayfield, McCamy, McClain, Mitchell, Shaw, Williamson, and Wilson—10.

So the report was adopted, and the substitute reported with it, read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

And on motion of Mr. Armstrong, the bill was ordered to be engrossed, and read a third time on to-morrow.

Mr. Austell, from the judiciary committee, made the following report:

Mr. President: The committee on the judiciary to whom was referred a bill of the Senate No. 54, entitled an act to repeal sec. 15, on page 326, of the Digest of the Statutes of Arkansas, have examined the same and have instructed me to report the same back without amendment and recommend its passage.

S. L. AUSTELL, *Chairman.*

Which report was read and adopted.

The bill accompanying it, was read a third time and passed.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom were referred a bill of the Senate, N. 52, entitled an act to aid in the collection of debts due from certain residents of the Indian county, have considered the same and instructed me to report the same back and recommend its passage, with the following amendment;

Strike out all after the word 'court' in the last line but two of section 2d.

S. L. AUSTELL, *Chairman,*

Which report was read and adopted.

The bill accompanying it, was read a third time and passed.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom were referred the substitute for House bill No. 2, have had the same under consideration and beg leave to report a substitute and recommend its passage.

FLANAGIN.

Which report was read and adopted.

The substitute accompanying it to be entitled an act to alter the manner of summoning petit jurors.

Was read a first time and ordered to a second reading on to-morrow.

Mr. McClain introduced a bill to be entitled an act to constitute Jacob L. Rogers and Isabella J. Moore, of the county of Johnson, and State of Arkansas, the legal heirs of Jacob Rogers.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate, were dispensed with, the bill read a second and third time and passed.

House bill No. 82, to be entitled an act to amend the road laws.

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 60, to be entitled an act to legalize the sale of lots in the town of Dover.

Was read a second time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, the bill read a third time and passed.

House resolution to amend the constitution, by striking out of the 29th article the words 'except Washington county, which may be reduced to six hundred square miles,' was read a second time and ordered to a third reading by the following vote:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Clarke, Flanagin, Dickson, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Watkins, Williamson, Wilson, and Mr. President—22.

Mr. President resumed the chair.

The resolution introduced on yesterday by Mr. Austell, to adjourn *sine die* on the 23d inst., was taken up and read.

Mr. Hampton moved to strike out 23d, and insert Monday 25th inst.

Which was accepted by Mr. Austell.

Mr. Clarke moved to amend the amendment, by striking out Monday 25th inst., and insert 28th inst.

Mr. Gould moved to amend by inserting 1st January in lieu of 28th inst.

The question was taken on Mr. Gould's motion to insert 1st January next, and it was lost.

The question was taken on Mr. Clarke's motion, to insert 28th inst., and it was lost.

The question being on the adoption of the resolution, Mr. Maxwell called for the yeas and nays, which being ordered were yeas 16, nays 6.

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Gould, Hampton, Maxwell, Mayfield, McClain, Poindexter, Reyburn, Simpson, Watkins, Williamson, Wilson, and Mr. President—16.

Nays, Messrs. Clarke, Dickson, Flanagin, McCamy, Mitchell, and Shaw—6.

So the resolution was adopted, and transmitted to the House of Representatives for their concurrence.

Mr. Chism introduced a bill to be entitled an act to divide the seventeenth regiment of Arkansas millitia.

Was read a first time, and ordered to a second reading on to-morrow.

Senate bill No. 59, to be entitled an act to authorize the Governor to employ legal counsil in certain cases.

Was read a second time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, the bill read a third time and passed.

House bill No. 101, to be entitled an act for the relief of Blessington H. Blount.

Was read a second time and ordered to a third reading on to-morrow.

Senate bill No. 60, to be entitled an act concerning pedlers, was read a second time, and ordered to a third reading on to-morrow.

House memorial No. 3, asking for appropriations to make repairs on Forts and Barracks, on the western frontier, was read a second time and ordered to a third reading on to-morrow.

The resolution from the House proposing a change in the mode of amending the Constitution of the State, was read a first time and ordered to a second reading on to-morrow, by the following vote:

Yeas, Messrs. Armstrong, Austell, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Watkins, Williamson, and Wilson—21.

Nays, Messrs. McCamy, and Mr. President—2.

*M*essage from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved and signed a bill entitled an act to extend the time for collecting the arrearages of taxes, to sheriffs and late sheriffs.

Also, a bill entitled an act to change the time of holding the county and probate courts of Union county.

Also, a bill entitled an act to authorize administrators to use discretionary powers in certain cases.

Also, a bill to be entitled an act for the benefit of John Anderson.

Also, a bill entitled an act to incorporate the town of Wittsburg.

Also, a resolution requesting our delegation in Congress to use their best exertions to procure an extension of the mail route from Arkadelphia to the residence of Alexander B. Clingman.

House bill, No. 57, to be entitled an act to amend the 14th section of the 3d article of 153d chapter of the Revised Code.

Which was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 66, to be entitled an act to amend the marriage law.

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 74, to be entitled an act to declare Cadron river a navigable stream.

The Bill was read a first time and ordered to a second reading on to-morrow.

House bill, No. 78, entitled an act for the relief of David Moore.

Which was read a first time.

On motion of Mr. Austell, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Austell, the bill was referred to a select committee, consisting of Messrs. Austell, Wilson, and Maxwell.

House bill, No. 74, to be entitled an act to re-establish the line between the counties of Perry and Montgomery.

Was read a first time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Chism, the bill was referred to the committee on Counties and County Lines.

The resolution from the House of Representatives instructing the Secretary of State to withhold from publication, all memorials and resolutions instructing and requesting our delegation in Congress.

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 65, to be entitled an act to incorporate the town of Batesville.

Was read a first time.

On motion of Mr. Watkins, the rules of the Senate were dispensed with, and the bill read a second and third time and passed.

House bill, No. 44, to be entitled an act to carry into effect the nuncupative will of Hastings Marks, late a citizen of Bradley county in this State.

Was read a first time and ordered to a second reading on to-morrow.

House bill, No. 74, to be entitled an act for the relief of the settlers upon the 500,000 acre grant, within the bounds of the De Bastrop claim.

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 42, to be entitled an act to amend the law of attachments before justices of the peace.

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 67, to be entitled an act for the relief of Westley Walker of Monroe county.

Was read a first time, and ordered to second reading on to-morrow.

House memorial, to the Congress of the United States, on the subject of the valueless school laws.

Was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 30, to be entitled an act for the relief of Isaac N. Jackson, late sheriff of Sevier county.

Was read a first time.

On motion of Mr. Armstrong, the rules of the Senate were dispensed with, and the bill read a second time; and ordered to a third reading on to-morrow.

House bill, No. 106, to be entitled an act to incorporate the Terrenoir navigation company.

Was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with and the bill read a second time.

Mr. Clarke moved to refer the bill to the committee on Education; but at the suggestion of Mr. Flanagin, he withdrew his motion.

When on motion of Mr. Flanagin, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Simpson moved that the Senate adjourn.

Which motion was lost.

Mr. Mayfield introduced a bill to be entitled an act to authorize Alfred Wallace to build a mill-dam across the War-Eagle fork of White river.

Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time, and ordered to a third reading on to-morrow.

Mr. Flanagin introduced Senate bill, No. 65, to be entitled an act to alter the line between the counties of Clark and Dallas.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the bill was referred to the committee on Counties and County Lines.

On motion of Mr. Dickson, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Wednesday, December 13, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hunter.

Mr. President ordered a call of the Senate; the roll being called, 18 Senators answered to their names.

The journal of yesterday was read and approved.

Mr. Simpson, from the committee on Claims, made the following report:

Mr. President: The committee on Claims, to whom was referred so much of the Governor's message as relates to the claims of a portion of the Benton county militia, have had the same under consideration, and beg leave to make the following report:

Your committee, after a full investigation of the subject under consideration, are of the opinion that under the authority given by his excellency, Thomas S. Drew, Col. William P. Ogden, the then colonel of the Benton county militia, was fully authorized to call into the service of the State, that portion of his regiment which he did; and all those thus called into the service, are in justice entitled to the usual pay given to soldiers of the regular army. We would beg leave to call the attention of the Senate to the great disproportion in numbers between officers reported on the muster-rolls and the privates which they had to command; we are of the opinion that so many officers should be paid as was necessary to command the fractional company reported as being in service; but are of opinion that it would be unwise to pay field officers, when the command, to say the most of it, that which belongs to a captain. We would therefore recommend the passage of the bill herewith reported.

SIMPSON, *Chairman.*

Which report was read and adopted.

The bill accompanying the report to be entitled an act to pay the Benton county militia.

Was read a first time.

On motion of Mr. Dickson, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Williamson, from the committee on Public Roads, made the following report:

Mr. President: The committee on Public Roads, to whom was referred the resolution of the Senate instructing the committee to enquire into the expediency of authorizing the county courts to levy a tax on real estate, for the purpose of making and repairing roads, have had the same under consideration, and have instructed me to report the resolution back to the Senate, and that it is inexpedient to legislate on the subject, and respectfully ask to be discharged from the further consideration of the subject.

WILLIAMSON, *Chairman.*

Which report was read and adopted.

On motion of Mr. Rector, the bill to be entitled an act to pay the Benton county militia, was referred to a select committee, consisting of Messrs. Rector, Maxwell, and Dickson.

Mr. Simpson, from a select committee, made the following report:

Mr. President: The select committee, to whom was referred the House bill, entitled an act for the relief of George H. Wells, have instructed me to report the same back, with an amendment to the 1st section, and recommend its passage.

SIMPSON, *Chairman.*

Amend by adding the following to the 1st section:

Provided, That the said George H. Wells shall exercise the privilege granted by this act in his own proper person, and not by agent, and not for the benefit of any other person but himself; and provided further, that if he shall offend against this act, he shall be liable to pay double license for such hawking and pedling.

Which report was read and adopted; and the bill as amended, read a third time and passed.

Mr. Burke introduced a bill to be entitled an act for the relief of certain citizens of the county of Monroe.

Which was read a first time.

On motion of Mr. Maxwell, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Maxwell, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Wilson introduced the following resolution:

Resolved, That when the Senate adjourn on to-day, that the same stand adjourned over until Friday next, in order that Thursday (as has been recommended by his excellency Thomas S. Drew) may be kept as a day of Prayer and Thanksgiving, and that the House of Representatives be very respectfully requested to concur therein.

Which was read a first time.

On motion of Mr. Hampton, the rules of the Senate were dispensed with, requiring joint resolutions to lie on the table one day, the resolution read a second time, adopted, and transmitted to the House of Representatives for their concurrence.

On motion of Mr. Rector, Senate bill, No. 56, to be entitled an act to increase the pay of witnesses in criminal cases.

Was taken up and read a third time.

Mr. McClain moved to strike out "5 cent. mileage;" but at the suggestion of Mr. Flanagin, withdrew his motion.

When Mr. Flanagin moved to amend by adding to the 1st section the following:

Provided, That the witness or witnesses live over fifteen miles from the county seat.

On motion of Mr. Rector, the bill was referred to the committee on Memorials.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have adopted a joint memorial to the Congress of the United States, to pass a law making the city of Little Rock, in the State of Arkansas, a Port of Entry and Delivery.

Also, a joint resolution requesting our delegation in Congress to use their influence to procure the passage of a law, granting to all volunteers, both officers and men, who served in the Creek, Seminole, and Black Hawk wars, the same amount of bounty lands which have been granted those who served in the late war with Mexico.

To which the concurrence of the Senate is respectfully asked.

The house have also passed a bill to be entitled an act for the relief of Elijah O. Brion, late sheriff of Washington county.

Also, a bill to be entitled an act for the benefit of Benton county.

Also, a bill to be entitled an act to incorporate the South-western and Arkansas Mining Company.

Also, a bill to be entitled an act to alter and define the boundary lines of the counties of Prairie, White, Jackson, St. Francis, and Monroe.

Which are herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the Clerk:

Mr. President: I present for your honor's signature a memorial to Congress, praying for the establishment of a mail route from Napoleon to Rock Roe and Batesville, in steam-boats, and from thence via Springfield, Mo., to Boonsville, Mo., in 4 horse post coaches.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

On motion of Mr. Gould, Senate bill No. 55, to be entitled an act to divide the State into Judicial circuits; to provide for the election of Judges of the circuit courts; of Judges of the county and probate courts; of Prosecuting Attorneys, and to provide for the interchange of circuits, was referred to the committee on the Judiciary, with instructions to remoddle the bill, so as to suit eight circuits.

Was taken up, and read a third time.

Mr. Maxwell moved to amend by way of rider, as follows: strike out "six" in the first section, and insert "eight."

Upon which motion; Mr. McClain called for the yeas and nays; which being ordered, were yeas 9, nays 14.

Yeas, Messrs. Chism, Clarke, Maxwell, McCamy, McClain, Mitchell, Shaw, Williamson, and Wilson—9.

Nays, Messrs. Armstrong, Austell, Black, Burke, Dickson, Flanagin, Gould, Hampton, Mayfield, Poindexter, Rector, Reyburn, Simpson, Watkins, and Mr. President—14.

So the motion to amend by striking out and inserting, was lost.

The bill was then passed, and transmitted to the House of Representatives for their assent.

Mr. McClain was called to the chair.

On motion of Mr. Watkins, Senate bill, No. 15, to be entitled an act to divide the seminary fund, and establish common schools.

Was taken up and read.

Mr. Gould moved to lay the bill on the table indefinitely.

Mr. Rector moved to lay the bill on the table until Friday next, and make it the order of the day in committee of the whole, as an amendment to the motion of Mr. Gould.

The question was then taken on the motion to make the bill the order of the day for Friday next, and it prevailed.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have concurred in the resolution of the Senate, to adjourn over until Friday, in order that to-morrow (Thursday) may be kept as a day of Thanksgiving and Prayer.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

House bill, No. 66, to be entitled an act to amend the marriage law.

Was read a second time; and on motion of Mr. Rector, laid on the table until the 4th day of July next.

House bill, No. 57, to be entitled an act to amend the 14th section of the 3d article of the 153d chapter of the Revised Code.

Was read a second time; and on motion of Mr. Gould, referred to the committee on the Judiciary.

The resolution to amend the constitution of the State, from the House of Representatives, altering the mode of amending the constitution, was read a second time, and ordered to a third reading, by the following vote:

Yeas, Messrs. Austell, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McClain, Mitchell, Poindexter, Rector, Reyburn, Shaw, Simpson, Watkins, Williamson, and Wilson—21.

Nays, Messrs. McCamy and Mr. President—2.

The resolution from the House to amend the Constitution, by striking out of the 29th article the words 'except Washington county, which may be reduced to six hundred square miles'.

Was read a third time, and adopted by the following vote:

Yeas, Messrs. Austell, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Watkins, Williamson, Wilson, and Mr. President—23.

House bill No. 101, to be entitled an act for the relief of Blessington H. Blount.

Was read a third time and passed.

Senate bill, No. 63, to be entitled an act to divide the 17th regiment of Arkansas militia.

Was read a second time.

Mr. Simpson moved to amend, by striking out the second section.

On motion of Mr. Flanagin, the bill was referred to the committee on the Militia.

Mr. Gould, on leave, introduced a bill to be entitled an act for the relief of certain purchasers of the Internal Improvement lands.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Gould, the bill was referred to the committee on Internal Improvement.

Mr. Black moved that the Senate adjourn.

Which motion was lost.

Mr. President resumed the chair.

House bill, No. 73, to be entitled an act to declare Cadron river a navigable stream.

Was read a second time.

And on motion of Mr. Maxwell, referred to a select committee, consisting of Messrs. Maxwell, Wilson, and Simpson.

Mr. Clarke moved that the Senate adjourn; which motion was lost.

Senate bill, No. 61, to be entitled an act to alter the manner of summoning petit jurors.

Which was read a second time.

Mr. Hampton offered the following amendment:

Sec. 3. *Be it further enacted*, That the county of Union is hereby exempt from the provisions of this act; and that the existing laws, providing for summoning jurors, as embraced in chapter ninetyfour of the Digest of the Statutes, shall continue in full force and effect, so far as relates to the county of Union.

Which was read.

Mr. Rector moved to amend the amendment, by adding after the word "Union," the words "and Saline."

Which motion was accepted by Mr. Hampton.

On motion of Mr. Gould, the amendment was laid on the table.

Mr. Hampton moved to lay the bill on the table until the 4th day of July next, and called for the yeas and nays; which being ordered, were yeas 16, nay 7.

Yeas, Messrs. Austell, Black, Burke, Clarke, Dickson, Gould, Hampton, Maxwell, Mitchell, Poindexter, Rector, Shaw, Simpson, Watkins, Wilson, and Mr. President—16.

Nays, Messrs. Armstrong, Chism, Flanagin, Mayfield, McCamy, Reyburn, and Williamson—7.

So the bill was laid on the table until the 4th day July next.

Mr. Flanagin, on leave, introduced a bill to be entitled an act to amend the law in relation to Guardian and Ward.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the bill was referred to the committee on the Judiciary.

Mr. Armstrong moved that the Senate adjourn; which motion was lost.

Senate bill, No. 64, to be entitled an act to authorize Alfred Wallace to build a mill-dam across the War-Eagle fork of White river.

Was read a third time and passed.

House bill, No. 30, to be entitled an act for the relief of Isaac N. Jackson, late sheriff of Sevier county.

Was read a third time and passed.

The memorial from the House of Representatives, on the subject of the valueless school lands.

Was read a second time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, the memorial read a third time and passed.

House bill, No. 67, to be entitled an act for the relief of Westley Walker, of Monroe county.

Was read a second time; and on motion of Mr. Burke, referred to a select committee, consisting of Messrs. Burke, Maxwell, and Chism.

House bill, No. 42, to be entitled an act to amead the law of attachments before justices of the peace; was read a second time.

On motion of Mr. Mitchell, was referred to the committee on the Judiciary.

Mr. Dickson moved the Senate adjourn.

On which motion, Mr. Maxwell called for the yeas and nays; which being ordered, were yeas 9, nays 14.

Yeas, Messrs. Armstrong, Austell, Black, Clarke, Dickson, Mitchell, Reyburn, Shaw, and Watkins—9.

Nays, Messrs. Burke, Chism, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, Poindexter, Rector, Simpson, Williamson, Wilson, and Mr. President—14.

So the motion to adjourn was lost.

Mr. Armstrong moved a call of the Senate.

Which motion was lost.

Mr. Clarke moved that the Senate adjourn.

Which motion was lost.

House resolution instructing the Secretary of State to withhold from publication, with the acts and journals, all resolutions and memorials instructing our delegation in Congress, was read and concured in by the Senate.

Mr. Mitchell moved the Senate adjourn.

Which motion was lost.

House bill, No. 74, to be entitled an act for the relief of the settlers upon the DeBastrop claim.

Was read a first time.

On motion of Mr. Gould, the bill was referred to the committee on Internal Improvements.

On motion of Mr. Flanagin, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Friday, December 15, 1848.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

The chair ordered a call of the Senate; the roll being called, 22 senators answered to their names.

The journal of yesterday was read and approved.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The standing committee on the judiciary to whom was referred House bill No. 93, entitled an act for the benefit of Thomas Maddin, as administrator of James Maddin dec'd, have had the same under consideration, and have instructed me to report the same as inexpedient and unnecessary, for the following reason:

The bill propposes to legalize a certain sale of land made by the attorney in fact of said James Maddin, and authorizes the administrator of said James Maddin to make a deed. Now if the sale made by such attorney was legal and proper, it requires no legislation to perfect it; if it was not legal it certainly ought not to be perfected.

J. GOULD.

Which report was read and adopted.

Mr. McClain, from the committee on the militia, made the following report:

Mr. President: the committee on Militia to whom was referred the bill entitled an act to divide the 17th regiment of Arkansas militia; and to abolish company muster throughout the State; have investigated the subject, and on reflection, are of opinion that the same is inexpedient, and have instructed me to report against said bill.

McCLAIN, *Chairman.*

Which report was read.

Mr. Chism moved the rejection of the report.

Which motion was lost.

The report was then adopted.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act for the erection of a marble monument for Col. Yell and his comrades.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Hampton, from the committee on internal improvement, made the following report:

Mr. President: The committee on internal improvement to whom was referred that portion of the message of his Excellency, the Governor, relating to the transfer by the Government of the United States to this State, of the paper, &c., pertaining to the office of Surveyor General of Arkansas, and the bill of the Senate, to be entitled an act to abolish the office of Land Agent, and to distribute the duties of said office among the Auditor and four Land Attorneys and State Collectors, and to facilitate the sale of lands, after mature consideration of the important subjects referred, have instructed me to report the accompanying bill as a substitute, and earnestly recommend its passage.

The committee also, instructed me to report back to the Senate the bill No. 44, to be entitled an act for the relief of Henry S. Hudspeth, &c.

Also, bill No. 68, to be entitled an act for the relief of certain purchasers of the internal improvement lands, and recommend their passage.

HAMPTON, *Chairman*,

Which report was read.

The substitute accompanying it, to be entitled an act supplementary to the acts providing for the sale of the 500,000 acres of land donated to the State for the purposes of internal improvement:

Was also read, and so much of the report as relates to the substitute adopted.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time, and ordered to a third reading on to-morrow.

The question was taken on the adoption of that part of the report of the committee on internal improvement, recommending the passage of Senate bill No. 68, to be entitled an act for the relief of certain purchasers of the internal improvement lands, and it was lost.

The bill accompanying it, was taken up, read a third time; and on motion of Mr. Rector, referred to a select committee, consisting of Messrs. Rector, Gould, McClain, Wilson, and Flanagin.

Mr. Flanagin asked to be, and was excused from serving on said committee.

Whereupon Mr. President appointed Mr. Poindexter in his place,

That part of the report of the committee on internal improvements recommending the passage of Senate bill No. 44, to be entitled an act for the relief of Henry S. Hudspeth, Edmund Adcock, Wm. Nicholas, and Hardiman Greer.

Was read, and the question being on its adoption, Mr. Gould called for the yeas and nays, which being ordered, were yeas 9, 13 nays.

Yeas, Messrs. Austell, Clarke, Gould, Hampton, Maxwell, Poindexter, Reyburn, Underhill, and Mr. President—9.

Nays, Messrs. Black, Burke, Chism, Dickson, Flanagin, Mayfield, McCamy, Rector, Shaw, Simpson, Watkins, Williamson, and Wilson—13.

So the report was not adopted.

The bill accompanying the report was taken up, read a third time, and on motion of Mr. Rector, referred to the same select committee to whom was referred Senate bill No. 68, to be entitled an act for the relief of certain purchasers of the internal improvement lands.

Mr. Flanagin, from the committee on the judiciary, made the following report;

Mr. President: The committee on the judiciary to whom was referred a bill for the relief of Wm. B. Borden, have had the same under consideration, and have instructed me to report:

That they recommend its passage, with the following amendment, viz: add to the bill provided the said William B. Borden shall make the payment aforesaid in full within three months after the passage of the act.

FLANAGIN.

Which report was read.

Mr. Gould moved to lay the report on the table, and called for the yeas and nays, which being ordered, were yeas 4, nays 19.

Yeas, Messrs. Black, Dickson, Simpson, and Williamson—4.

Nays, Messrs. Austell, Burke, Chism, Clarke, Flanagin, Gould, Hampton, Maxwell, Mayfield, Rector, Reyburn, Shaw, Underhill, Watkins, Wilson, and *Mr.* President—19.

So the motion to lay on the table was lost.

The report of the committee was then adopted.

The bill accompanying it, to be entitled an act for the relief of Wm. B. Borden, late sheriff of Pulaski county.

Was read a third time and passed.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The standing committee on the judiciary to whom was referred House bill 18, entitled an act to enforce the punishment of offences within the jurisdiction of justices of the peace, have examined and considered said bill, and have instructed me to report the same back without amendment and respectfully recommend its passage.

S. L. AUSTELL, *Chairman.*

Which was read and adopted.

House bill No. 18, accompanying it, was read a third time and passed.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred House bill No. 41, entitled an act fixing the time of holding elections for electors of President and Vice President of the United States, have examined the same and have instructed me to report the same back without amendment, and recommend its passage.

S. L. AUSTELL, *Chairman.*

Which report was read and adopted.

And the bill accompanying it, read a third time and passed.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The judiciary committee to whom was referred House bill No. 40, entitled an act to empower presiding judges of county courts to approve the bonds of collectors, in vacation, have considered the same, and have instructed me to report the same back without amendment and recommend its passage.

S. L. AUSTELL, *Chairman.*

Which report was read and adopted.

The bill read a third time and passed.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred House bill No. 28, entitled an act concerning attachments before justices of the peace, have instructed me to report the accompanying bill as a substitute, and recommend its passage.

J. GOULD.

Which report was read and adopted.

The substitute accompanying it, to be entitled an act to amend chapter 16, and section 12, of chapter 95, of the Digest of the Statutes, was read a first time, and ordered to a second reading on to-morrow.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred an act to authorize judges of the circuit court to issue writs of certiorarie, have had the same under consideration, and report a substitute, which they recommend may be adopted.

H. FLANAGIN.

Which report was read and adopted.

The substitute accompanying it, to be entitled an act to amend the law in relation to appeals from justices of the peace.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. McCamy, from the committee on education, made the following report:

Mr. President: The committee on education to whom was referred the bill to incorporate the College of St. Andrew, with instructions to report the reasons for commending the rejection of the same. have directed me to present the following objections:

1st. The proposed act of incorporation differs materially in several of its provisions from those heretofore granted by this body, for educational purposes; in this, the trustees are, as your committee believed, all clergymen of the same religious order.

2nd. The first person named in the bill is, as your committee are informed, a Bishop, or Superintendent over the other persons named; and in virtue of said office, according to the regulations of his church, could exercise a controling influence, so that in fact, and in truth, the direction and management of the institution would be vested in one person.

3rd. The first person, as aforesaid, is the appointee to office of a Foreign Prince, owing no allegiance, nor subject to the institutions of our country, either civil or religious; so that, admitting the present corporators are naturalized citizens of this Republic, (of which your committee are not informed) still it would be within the power of said Foreign Potentate to recall or dismiss them at pleasure, so that we have no guarantee against persons owing no allegiance to our Government, and in fact not citizens of the same, to hold, direct, and govern an institution, with all its perquisites within the limits of our State.

4th. There is no provision in the bill to prevent the corporators, from filling, themselves, the offices of President, Professors and Tutors; thus vesting the Legislative and Executive powers within the same body.

5th. The bill proposes a perpetuity, and does not provide for a renewal by legislative sanction.

6th. By granting the charter contemplated by the bill, in the opinion of the committee, we should not only in effect, set up the one man power to an objectionable height, but would be, to some extent, legalizing and granting powers and privileges to clergymen, of one of the branches of the Christian Church, never before asked for, or granted to clergymen of any other denomination.

All of which your committee believe is contrary to the genius of our people, and the spirit of our constitution and laws.

Respectfully submitted.

McCAMY, *Chairman.*

Which report was read.

Mr. Clarke, from the committee on education, submitted the following minority report:

Mr. President: A minority of the committee on education, to whom was referred the bill entitled an act to incorporate the College of St. Andrew, differing with a majority of said committee, beg leave to make the following report:

It is not our intention to attach an undeserved importance to the objections of the majority, to the said bill, yet we will take each writ that is worthy of the least notice, and upon it give our counter views.

In reply to the first objection of the majority, we beg leave to state that the proposed act of incorporation does not differ materially in its provisions from other acts that have heretofore been passed by this body, but on the contrary, it is very much the same in its provisions, as others that have been granted in this and other States for educational purposes. The powers and privileges asked for the corporators named in this act, do not exceed those granted, in the act to incorporate the Male and Female Seminary at Washington; and in some instances restrictions are thrown around the powers granted in the former, that are not in the act of the latter.

As to the fact that the corporators in this act are all clergymen of the same religion, the minority cannot see the importance attempted to be given to it by the majority. We think that it is going beyond the line of our duty, and a violation of the spirit of the constitution to enquire whether they are clergymen or are professors of religion at all; under our constitution it matters not, whether a citizen of the United States, or of this State, be a Jew or Gentile, Catholic, Protestant or Mohometan, his civil rights are the same.

For our part, we cannot see the difference, whether they are all clergymen, or clergymen of the same religious order, or of different orders.

In regard to the second objection of the committee, the minority have no remark to make; it is a question of no importance, whether the first named person in the bill can exercise a controlling influence over the other persons named in the bill, and may perchance have the management of the institution, the minority of your committee immagines it is a very presumable case that the Superintendents have more or less control of the institutions under their charge, and no doubt such an arrangement is wholesome and necessary; and at all events it is usual in all institutions of leearning; we can see nothing in that feature incompatible with the constitution, laws, customs or public sentiment of Arkansas.

The 3d objection is wholly groundless, none of the gentlemen named in the bill, are the appointees of a Foreign Prince, or owe allegiance to any other than the American Government; they are naturalized citizens, some of whom have resided in the United States over forty years. The minority of your committee, who have used some exertions to ascertain these facts, are assured that these gentlemen are Americans in sentiment, feeling and choice, who have long since abandoned the shores of despotic Europe; and each, by a long life of patriotism and devotion to our institutions have proven himself to be expatriated from all Foreign Potentates and Princes; and by no means subject to the control of such powers.

The minority of your committee presume that it is unimportant to the Senate or the public, whether the offices of professors and tutors are filled by the corporators, or others who may be employed for that purpose, which fact is dwelt upon with so much gravity by the majority of your committee. It is well known that this is a matter which alone concerns the corporators of such institutions, and one which no legislative body ever pretends to control.

The 5th objection of the committee, the minority is disposed to regard as of some importance; although charters now found on our Statute Books show that the powers of perpetual succession have been granted to similar institutions; yet the minority of your committee propose that the bill be so modified that the powers asked for in said bill expire in fifty years after the passage of said act, subject to renewal by the Legislature; and that the amount of real estate, to be owned by said corporation, shall not at any time exceed one hundred and fifty thousand dollars.

The 6th objection of the committee, viz: that powers are herein granted which have never before been asked for or granted to any other denomination; we are constrained, with due respect to the committee, to state it is urged in defiance of facts, as will appear by reference to the act incorporating the Washington Male and Female

Seminary, to be found on page 149, in the private acts of 1846, where it will be seen that said institution is placed under the control of the Methodist Episcopal Church; the bill before your committee contains a feature in it of a liberal character, that cannot be found in the charter of the Washington Seminary, viz: "That no particular religious faith shall be required of those who become students of the institution," which should be regarded as an earnest of the anti-sectarian character of those corporators. The minority of your committee deem the passage of the bill before them, of too much interest and importance to a large portion of the citizens of this State, to believe that a sectarian prejudice can influence the Senate to reject it.

The subject of education is one that has occupied much of the attention of the Legislature, and the people of this State, and it is admitted that no community are more in want of school facilities than the people of Arkansas; and no government less able to extend those facilities than ours at this time. The minority of your committee believe that no private enterprize having in view the education of our rising youth is more worthy of our fostering care and liberal encouragement than the institution of Saint Andrew. We, therefore, most respectfully recommend that the bill with the modifications suggested be adopted.

Most respectfully submitted.

CLARKE, *of Crawford.*

Which report was read.

Mr. Hampton was called to the chair.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have passed the following resolution, to which the concurrence of your honorable body is respectfully asked:

Resolved, That the committee appointed on the part of this House in relation to a message received on this morning thefrom Governor, presenting to this State a stand of colors returned by Capt. C. C. Danley, act in concert with such committee as the Senate may appoint, and that Saturday next, at eleven o'clock, 16th Dec., be appointed, as the time for the reception of the report of said committee, in convention of both Houses of the General Assembly.

The House appointed Messrs. Stirman, Bertran, Mitchell, Baker, Pettus, Flournoy, Izard, Berry, Murphy, and Trapnall, said committee.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. President resumed the chair.

On motion of Mr. Flanagin, the message was taken up and read.

And on motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the resolution read a second time.

Mr. Williamson moved to amend the resolution by striking out eleven o'clock, A. M., and inserting 3 o'clock, P. M.

Which motion was lost.

On motion of Mr. Flanagin, the resolution was concurred in, and Messrs. Flanagin, Austell, Simpson, and Hampton, were appointed a committee on the part of the Senate, and the House of Representatives informed thereof.

On motion of Mr. McClain, Senate bill No. 48, to be entitled an act to incorporate the College of St. Andrew, together with the majority and minority reports from the committee on education, to whom had been referred said bill, were referred to a select to a select committee.

On motion of Mr. *M*cCamy, the vote taken on referring the bill and reports, was reconsidered.

On motion of Mr. *M*cClain, the reports were laid on the table for the present.

And on further motion of Mr. McClain, the bill was referred to a select committee, consisting of Messrs. McClain, Clarke, McCamy, Poindexter, and Gould.

Messrs. McCamy and Poindexter asked to be, and were excused from serving on said select committee.

Whereupon, Mr. President appointed Messrs. Rector and Burke.

Mr. Maxwell, from a select committee, made the following report:

Mr. President: The select committee to whom was referred a bill to be entitled an act to declare Cadron river a navigable stream, have had the same under consideration, and have instructed me to report the same back, without amendment, and recommend its passage.

MAXWELL.

Which report was read and adopted; and the bill accompanying it, read a third time and passed.

Mr. Austell, from a select committee, made the following report:

Mr. President: The select committee, to whom was referred House bill, No. 78, entitled an act for the relief of David Moore, have examined and considered the same, and find from testimony, which was before said committee, that said bill was introduced in the House of Representatives, at the instance of some hundred petitioners, who are highly respectable citizens of St. Francis county, and wholy in possession of all the facts connected with the matter. Your committee are of the opinion, therefore, that justice demands that relief should be granted in the premises to the said David Moore, according to the provisions of said bill, and have instructed me to report the same back, without amendment, and most respectfully recommend its passage.

S. L. AUSTELL, *Chairman.*

Which report was read and adopted.

House bill, No. 78, to be entitled an act for the relief of David Moore, accompanying the above report, was read a third time.

The question being on its passage, Mr. Gould called for the yeas and nays; which being ordered, were yeas 9, nays 14.

Yeas, Messrs. Austell, Burke, Maxwell, Mayfield, McCamy, Poindexter, Rector, Reyburn, and Wilson—9.

Nays, Messrs. Black, Chism, Dickson, Flanagin, Gould, Hampton, McClain, Mitchell, Shaw, Simpson, Underhill, Watkins, Williamson, and Mr. President—14.

So the bill was lost.

On motion of Mr. Gould, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Saturday, December 16, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate, the roll being called, 16 senators answered to their names.

The journal of yesterday was read and approved.

Mr. Hampton introduced the following preamble and resolution:

Whereas, it appears that one hundred and fifty-four five per cent. bonds, issued by the State of Arkansas, to the Bank of the State of Arkansas, were deposited in the Bank of Washington, in the city of Washington, some eight or nine years since, with the view of delivering them to the Secretary of War; who, it is stated, had contracted to purchase, but afterwards declined paying for them; and whereas, the said unsold bonds amounting to $154,000, should be obtained, cancelled, and filed with the State treasurer; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That the Hon. Henry M. Rector, Senator from Saline and Perry counties be, and he is hereby authorized and empowered to receive and receipt for the said State bonds, and to deliver the said State bonds to the Treasurer of the State of Arkansas, and to take from him and file with the State Auditor his receipt therefor; provided, that no compensation shall be allowed for obtaining said bonds, and delivering them to the Treasurer.

Which was read, and ordered to lay on the table one day under the rule.

Mr. Reyburn, from the committee on Counties and County Lines made the following report:

Mr. President: The standing committee on counties and county lines, to whom was referred the bill to define the line between the counties of Perry and Montgomery, have had the same under consideration, and have instructed me to report the same back, and most respectfully recommend its passage.

REYBURN.

Which report was read and adopted.

House bill, No. 74, to be entitled an act to re-establish the line between the counties of Perry and Montgomery, accompanying the above report, was read a third time and passed.

Mr. Mitchell, from a select committee, made the following report:

Mr. President: The select committee to whom was referred House bill, No. 51, entitled an act to define the line between Newton, Madison, and Johnson counties, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

WM. C. MITCHELL, *Chairman.*

Which report was read.

House bill, No. 51, to be entitled an act to define the lines between the counties of Newton, Madison, and Johnson, accompanying report, was read a third time and passed.

Mr. Simpson, from a select committee, made the following report:

Mr. President: A select committee, to whom was referred a bill of the House, No. 35, entitled an act to call in the county scrip of Lawrence county, have had the same under consideration, and have instructed me to report, that the committee is of the opinion that it is inexpedient to pass the bill, believing that the passage of the bill would likely injure the holders of the scrip, who live at a distance from the county seat of said county, and therefore report the same back, and ask that the bill be rejected.

SIMPSON, *Chairman.*

Which report was adopted.

Mr. Chism introduced a bill to be entitled an act to divide the 17th regiment of Arkansas militia.

Was read a first time, and ordered to a second reading on Monday next.

Mr. Hampton introduced a bill to be entitled an act supplementary and amendatory of the several acts, in relation to the Little Rock Bridge Company.

Was read a first time, and ordered to a second reading on Monday next.

Mr. Armstrong introduced a bill to be entitled an act to declare the Saline river, in Sevier county, navigable.

Which was read a first time.

On motion of Mr. Armstrong, the rules of the Senate were dispensed with, and the bill read a second time; and ordered to a third reading on Monday next.

Senate bill No. 70, to be entitled an act supplementary to an act providing for the sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement.

Was read a third time.

Mr. Chism offered the following amendment: after the words "in addition to the powers now granted," he shall be authorized to sell as small a quantity of land as forty acres, under the same restrictions as larger amounts.

Which was read, the question taken on its adoption and lost.

On motion of Mr. Rector, the bill was laid on the table until Monday next.

Mr. Poindexter introduced a bill to be entitled an act to dispose of the seminary fund.

Which was read a first time.

On motion of Mr. Poindexter, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Poindexter moved to refer the bill to the committee of the whole, and make it the order of the day for Monday next.

On motion of Mr. Watkins, the bill was laid on the table for the present.

Mr Flanagin introduced a bill to be entitled an act to amend the road laws.

Which was read a first time.

On motion of Mr. Black, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Gould offered the following amendment:

Sec. 3. *Be it further enacted,* That every overseer in working roads, shall confine himself to the old original road, and shall not change the road, or old track, under any pretence, except by order of the county court.

Which was read and adopted.

Mr. Chism moved to refer the bill as amended to the committee on public roads.

Which motion was lost.

On motion of Mr. Black, the bill was ordered to be engrossed, and read a third time on Monday next.

Message from the House of Representatives by F. W. Trapnall, Esq.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act to postpone certain elections in Drew and Ashley counties.

In which the concurrence of the Senate is respectfully asked.

F. W. TRAPNALL.

Mr. Flanagin introduced a bill to be entitled an act allowing appeals from the county and probate courts.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the bill was referred to the committee on the Judiciary.

Mr. Flanagin, on leave, from a select joint committee, made the following report:

Mr. President: the special joint committee appointed to make arrangement for the reception of the flag of Capt. Danley's company, in its recent expedition to Mexico, and beg leave to report:

That they recommend that the reception take place on Monday next, at 3 o'clock, in the afternoon.

That the manner of reception be as follows, viz:

The flag shall be presented by Capt. Danley to the Lady from whom he received it, with such remarks as he deems proper, and said Lady shall accept the same, and present the same to Mr. F. W. Trapnall, with an address.

Mr. Trapnall will make an appropriate speech and present the flag to the presiding officers of both houses, who will make such remarks as the occasion may call for.

After which such persons as may wish to address the joint convention may do so.

Before the reception, the houses shall go into joint convention.

Citizens, strangers, and especially the ladies are invited to be present.

H. FLANAGIN, *Chairman*
on the part of the Senate.

Which was read and adopted.

On motion of Mr. Gould, the message from the House of Representatives, delivered by Hon. F. W. Trapnall, was taken up and read.

House bill No. 128, to be entitled an act to postpone certain elections in Drew and Ashley counties.

Was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with and the bill read a second time.

And on further motion of Mr. Gould, the rules of the Senate were dispensed with, the bill read a third time and adopted.

Senate Bill, No. 71, to be entitled an act to amend chapter 16, and section 12 of chapter 95, of the Digest of the Statutes.

Was read a first time, and ordered to a second reading on Monday next.

The resolution from the House proposing a change in the mode of amending the Constitution of the State, was read a third time and adopted by the following vote:

Yeas, Messrs. Armstrong, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Watkins, Williamson, and Wilson—19.

Nays, Messrs. McCamy, Underhill, and Mr. President—3.

House memorial No. 3, asking for appropriations to make repairs on Forts and Barracks, on the western frontier, was read a third time and passed.

House bill, No. 82, to be entitled an act to amend the road laws.

Was read a third time.

The question was taken on its passage, and it was lost.

The amendment of the House to Senate bill, No. 16, to be entitled an act to authorize the county courts to appoint notaries public, was read and concurred in by the Senate.

Senate bill No. 60, to be entitled an act concerning pedlers, was read a third time.

Mr. Simpson moved to amend the bill by way of rider, "by excepting such persons as a special act has been passed for their benefit, by the present General Assembly."

Which amendment was lost.

The bill was then passed.

Senate bill, No. 72, to be entitled an act to amend the laws in relation to appeals from justices of the peace.

Was read a first time and ordered to a second reading on Monday next.

House bill, No. 44, to be entitled an act to carry into effect the nuncupative will of Hastings Marks, late a citizen of Bradley county, in this State.

Was read a second time; and on motion of Mr. Flanagin, referred to the committee on the Judiciary.

Message from the House of Representatives by the Clerk:

Mr. President: I present for your honor's signature a bill to be entitled an act to legalize the sale of lots in the town of Dover.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The message from the House of Representatives, received on Friday last, was taken up and read.

House bill, No. 125, to be entitled an act to provide for the erection of a monument to the memery of Col. Yell and his comrades.

Was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Simpson moved to amend the bill by adding, after the words "Colonel Yell and his comrades," also, Capt. John S. Ficklin and his comrades, that died on the western frontier.

Mr. Hampton moved to lay the amendment on the table; but before the question was put, he withdrew it, and the amendment was adopted.

Mr. Rector moved to amend the bill by striking out 1,000 in the 3d line of the 1st section, and insert 2,000; which motion prevailed.

On motion of Mr. Clarke, the bill as amended, was referred to the committee to whom was referred the Governor's communication of the 7th inst., on the same subject, to wit: Messrs. Clarke, Maxwell, and Flanagin.

Mr. Maxwell was called to the chair.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature, a joint resolution authorizing and requiring the Governor to enter a release of a decree rendered in the Pulaski circuit court, against John Pope, late Governor of the territory of Arkansas.

Also, a memorial to the Congress of the United States, in behalf of Jonathan Lewis, a citizen of Arkansas.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The messsage received from the House of Representatives, on Wednesday last, was taken up and read.

The joint resolution from the House of Representatives, instructing our Senators, and requesting our Representative in the Congress of the United States, to procure the passage of a law making the city of Little Rock, in the State of Arkansas, a Port of Entry and Delivery.

On motion of Mr. Wilson, the rules of the Senate were dispensed with, and the resolution read a second time.

And on further motion of Mr. Wilson, the rules of the Senate were dispensed with, the resolution read a third time and concurred in by the Senate.

House memorial, No. 5, requesting our delegation in Congress to use their influence to procure the passage of a law, granting to all volunteers, both officers and men, who served in the Creek, Seminole, and Black Hawk wars, the same amount of bounty lands which have been granted those who served in the late war with Mexico.

Was read a first time, and ordered to a second reading on Monday next.

House bill, No. 114, to be entitled an act for the relief of Elijah O. Brian, late sheriff of Washington county.

Which was read a first time, and ordered to a second reading on Monday next.

House bill, No. 110, to be entitled an act for the benefit of Benton county.

Which was read a first time, and ordered to a second reading on Monday next.

Mr. President resumed the chair.

House bill, No. 107, to be entitled an act to alter and define the boundary lines of the counties of Prairie, White, Jackson, St. Francis, and Monroe.

Was read a first time.

On motion of Mr. Burke, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Burke, the bill was referred to a select committee, consisting of Messrs. Burke, Austell, Maxwell, Wilson, and Clarke.

On leave, Mr. Underhill introduced a bill to be entitled an act to empower the county court of the county of Mississippi to appoint trustees for township number ten north of range number ten west.

Which was read a first time.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Underhill, the rules of the Senate were dispensed with, the bill read a third time and passed.

House bill, No. 49, to be entitled an act to incorporate the Southwestern and Arkansas Mining Company.

Which was read a first time, and ordered to a second reading on Monday next.

On motion of Mr. Watkins, the Senate resolved itself into committee of the whole, on Senate bill, No. 15, to be entitled an act to divide the seminary fund, and to establish common schools.

Mr. Poindexter in the chair.

After sometime spent in committee of the whole, the chairman reported the bill back to the Senate, with amendments, and asked their adoption.

Strike out all after the enacting clause.

Mr. Maxwell moved that the Senate reject the report of the committee, and called for the yeas and nays; which being ordered, were yeas 11, nays 11.

Yeas, Messrs. Black, Chism, Clarke, Hampton, Maxwell, McClain, Rector, Reyburn, Shaw, Watkins, and Williamson—11.

Nays, Messrs. Austell, Burke, Dickson, Flanagin, Gould, Mayfield, McCamy, Poindexter, Underhill, Wilson, and Mr. President—11.

So the motion to reject the report, was lost.

Mr. Rector moved a call of the Senate.

Which motion was sustained.

The roll was called, and the following Senators answered to their names:

Messrs. Austell, Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Poindexter, Rector, Reyburn, Shaw, Underhill, Watkins, Williamson, Wilson, and Mr. President—22.

The sergeant-at-arms was ordered to bring in the absentees; who retired, and in a few minutes, Messrs. Simpson and Mitchell returned to the Senate chamber.

On motion of Mr. Flanagin, the further call of the Senate was dispensed with.

Mr. Poindexter moved the adoption of the report of the committee of the whole.

Upon which motion, Mr. Williamson called for the yeas and nays; which being ordered, were yeas 11, nays 13.

Yeas, Messrs. Austell, Burke, Flanagin, Gould, Hampton, Maxwell, Poindexter, Reyburn, Underhill, Wilson, and Mr. President —11

Nays, Messrs. Black, Chism, Clarke, Dickson, Mayfield, McCamy, McClain, Mitchell, Rector, Shaw, Simpson, Watkins, and Williamson—13.

So the report was lost.

Mr. Flanagin moved to amend the bill by striking out of the 1st section, the words "in proportion to the number of free white children over the age of ——— years, and under that of twenty-one, in each," and insert in lieu thereof, the word "equally."

On which motion, Mr. Maxwell called for the yeas and nays; which being ordered, were yeas 12, nays 12.

Yeas, Messrs. Austell, Burke, Chism, Flanagin, Gould, Maxwell, Poindexter, Rector, Reyburn, Underhill, Wilson, and Mr. President —12.

Nays, Messrs. Black, Clarke, Dickson, Hampton, Mayfield, Mitchell, McCamy, McClain, Shaw, Simpson, Watkins, and Williamson —12.

So the motion to amend by striking out and inserting, was lost.

Mr. Flanagin moved to amend the 5th section of the bill, by striking out the words "electorial townships in the several counties of," and insert in lieu thereof, the words "county in."

Which motion was lost.

Mr. Flanagin moved to amend the 6th section of the bill, by striking out the words "May next," in the 1st line of said section, and insert in lieu thereof, the words "August, 1850," and by striking out, in the second line of the same section, the word "May," and insert in lieu therefore, the word "August."

Mr. Flanagin also moved to amend the 7th section, by strinking out the words "May next," in the second line of said section, and insert in lieu thereof, the words "August, 1850."

Mr. Gould moved that the Senate adjourn.

Which motion was lost.

On motion of Mr. Flanagin, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Monday, December 18, 1848.

The Senate met pursuant to adjournment.

The chair ordered a call of the Senate; the roll being called, 21 Senators answered to their names.

Prayer by the Rev. Mr. Green.

The journal of Saturday was read and approved.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act to confirm a voluntary distribution of the slaves belonging to the estate of Dial Leevy, dec'd, among his heirs.

Which are herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Watkins, from the committee on memorials, made the following report:

Mr. President: The committee on memorials to whom was referred the bill entitled an act to increase the pay of witnesses in certain cases, have had the same under consideration, and instructed me to report the accompanying bill as a substitute for the original and recommend its passage.

Respectfully submitted.

J. D. WATKINS, *Chairman.*

Which report was read and adopted.

The substitute, accompanying it, to be entitled an act to increase the pay of witnesses in certain cases.

Was read a first time, and ordered to a second reading on to-morrow.

Mr. McClain, from a select committee, made the following report:

Mr. President: The select committee to whom was referred the bill entitled an act to incorporate the College of St. Andrew, at or near Fort Smith, in this State, have had the same under consideration; and after a thorough investigation of the subject, have instructed me to report the following as a substitute, and recommend its passage.

McCLAIN, *Chairman.*

An act to incorporate the College of St. Andrew.

Section 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Andrew Byrne, Peter W. Walsh, John Monaghan, Geo. W. Clarke, Francis Donahoe, and Phineus H. White, and their sucessors be, and they are hereby created a body politic and corporate, under the name and style of "the College of St. Andrew," and henceforth shall be known by that name and by that style, and name to remain and have perpetual succession, with power to sue and be sued, plead and be impleaded, to have a common seal, and to alter the same at pleasure, to make and alter, from time to time, such by-laws as they may deem necessary for the government of said institution, its officers and servants; *Provided*, such by-laws are not inconsistent with the constitution and laws of this State or of the United States.

Sec. 2. *Be it further enacted*, That said corporation shall have power to fill such vacancies in their body as may happen by death, resignation or otherwise, and shall hold the property of said institulion solely for the purposes of education, and not as a stock for the individual benefit of themselves or of any contributor to the endowment of the same; *Provided*, that the amount of property owned by said corporation shall not at any time exceed one hundred and fifty thousand dollars, over and above the building, library, and apparatus necessary to the institution.

Sec. 3. *Be it further enacted*, That said institution shall remain located in or near Fort Smith, in Crawford county, in this State, and said college shall be competent in law and equity, to take in its said corporate name real, personal or mixed property, by grift, grant, bargain and sale, conveyance, will, devise or bequest, of any person or persons whomsoever, and the same estate, whether real or personal, to grant, bargain, sell, convey, devise, let, place out at interest or otherwise, dispose of the same, for the use of said institution, in such manner as to them shall seem most beneficial to said institution. Said corporators shall, according to their best judgment, apply the funds that may come into their hands, in erecting suitable buildings, supporting necessary officers, instructors and servants, and providing books, maps, charts, globes and philosophical, chemical, and other apparatus to the success of said institution.

Sec. 4. *Be it further enacted*, That the corporation shall have power to employ and appoint a President or Principal, a Treasurer, and all such professors and teachers, and all such servants as may be necessary, and shall have power to dispose of any or each of them as the interest of the institution requires; to fill vacancies which may happen by death, resignation, or otherwise, among snch officers and servants, and to prescribe and direct the course of studies to be pursued in said institution.

Sec. 5. *Be it further enacted*, That said corporation shall have power to establish departments for the study of any or all the learned and liberal professions, and to institute and grant Diplomas in the same, to constitute and confer the degrees of doctor in the learned arts and sciences, and *belle letters*, and to confer such other academical degrees, as are usually conferred by the most learned universeties.

Sec. 6. *Be it further enacted*, That said corporation shall have power to institute a board of competent persons, always including the faculty, who shall examine all applicants for academical degrees, and if said applicants are found to possess such knowledge pursued in said institution, as in the judgment of said board, renders them worthy, they may be considered graduates in course, and shall be entitled to a Diploma accordingly, on paying such fee as the corporation shall affix, which fee, however, shall not exceed the tuition bills of the full course of studies in said institution. Said examining board may not exceed the number of seven, three of whom may transact business, provided one be of the faculty.

Sec. 7. *Be it further enacted*, That should the corporation at any time act contrary to the provisions of this charter, upon complaint being made to the circuit court of Crawford county, a *scire facias* shall issue, and the attorney for the State, for the circuit in which the said institution is situated, shall prosecute in behalf of the State for a forfeiture of the charter, and all process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, at least sixty days before the return day thereof.

Sec. 8. *Be it further enacted*, That no particular religious faith shall be required of those who become students of the institution.

Sec. 9. *Be it further enacted*, That the corporation shall have two years to dispose of all real estate it may acquire by donation or bequest, exceeding the amount allowed in the second section of this act.

Sec. 10. *Be it further enacted*, That the public buildings appertaining to said college are hereby declared to be free from any kind of public tax.

Sec. 17. *Be it further enacted*, That this act shall remain in force for fifty years, subject to renewal by the Legislature.

Sec. 12. *Be it further enacted*, That nothing in this act shall be so construed as to allow banking privileges, or any other privileges not contemplated in this charter.

Sec. 13. *Be it further enacted*, That this act shall have effect and be in force from and after its passage.

Which report and substitute were read; the report adopted, and the bill ordered to a second reading on to-morrow.

Mr. Hampton; from the committee on internal improvement, made the following report:

*M*r. President: The standing committee on internal improvement to who was referred the bill from the House, No. 41, to be entitled an act for the relief of the settlers upon the 500,000 acre grant, within the bounds of the De Bastrop claim, have instructed me to report the bill back to the Senate, amended by striking out the second section, and recommend its passage.

HAMPTON *Chairman.*

Which report was read and adopted, and the bill, as amended, read a third time and passed.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary have instructed me to report the accompanying bill and recommend its passage.

J. GOULD.

Which report was read.

The bill accompanying it, to be entitled an act to amend the 33d section of chapter 40, of the Digest of the Statutes, under the title of costs.

Was also read.

The report was adopted, and bill ordered to a second reading on to-morrow.

On motion of Mr. Hampton, leave of absence was granted Mr. Rector for an indefinate period of time.

Mr. McClain presented a petition signed by 38 citizens of the town of Clarksville, in the county of Johnson, asking an act of incorporation.

Mr. McClain at the same time introduced a bill to be entitled an act to incorporate the town of Clarksville.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. McClain, the rules of the Senate were again dispensed with, the bill read a third time and passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: the committee on Enrolled bills have examined an act to define the crime of felony.

Also, an act to authorize the county courts to appoint Notaries Public.

Also, a resolution requesting our delegation in Congress to procure a mail route from Charlestown, in Franklin county, via the norrows of Big Creek, to Sugarloaf in Crawford county.

Also, a resolution requesting our delegation to procure a mail route by steam boat from Napoleon, in the State of Arkansas, to New Madrid, in the State of Missouri, and find them correctly enrolled.

MITCHELL, *Chairman.*

House memorial No. 5, asking Congress to donate to those who served in the Creek, Seminole, and Black Hawk war, the same amount of bounty land, which have been granted to those who served in the late war with Mexico.

Was read a second time and ordered to a third reading on to-morrow.

House bill No. 114, to be entitled an act for the relief of Elijah O. Brian, late sheriff of Washington county.

Which was read a second time, and ordered to a third reading on to morrow.

House bill No. 116, to be entitled an act for the benefit of Benton county.

Was read a second time and ordered to a third reading on tomorrow.

House bill No. 49, to be entitled an act to incorporate the Southwestern and Arkansas Mining Company.

Was read a second time, and on motion of Mr. Gould, referred to the committee on the judiciary.

Senate bill No. 77, to be entitled an act to amend the road laws.

Was read a third time and passed.

Senate bill No. 73, to be entitled an act to divide the seventeenth regiment Arkansas militia.

Was read a second time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, and the bill read a third time.

The question being on the passage of the bill, Mr. Chism called for the yeas and nays; which being ordered, were yeas 20, nays 5.

Yeas, Messrs. Armstrong, Black, Chism, Clarke, Dickson, Gould, Hampton, Maxwell, Mayfield, McCamy, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—20.

Nays, Messrs. Austell, Burke, Flanagin, and McClain—3.

So the bill was passed.

Senate bill No. 70, to be entitled an act supplementary to the acts providing for the sale of the 500,000 acres of land donated to the State for purposes of internal improvement.

Was read a third time and passed.

Senate bill No. 75, to be entitled an act to declare the Saline River, in Sevier county, navigable.

Was read a second time, and ordered to a third reading on tomorrow.

The resolution of the Senate, authorizing Hon. Henry M. Rector, to receive 154 5 per cent bonds from the Bank of Washington, in the city of Washington, and deposit them in the Treasurer's office, was read a second time and adopted, and transmitted to the House of Representatives for their concurrence.

Senate bill No. 72, to be entitled an act to amend the laws in relation to appeals from justices of the peace.

Was read a third time and passed.

Senate bill No. 71, to be entitled an act to amend chapter 16, and section 12, of chapter 95, of the Digest of the Statutes of Arkansas.

Senate bill No. 74, to be entitled an act supplementary and amendatory to the several acts in relation to the Little Rock Bridge Company.

Was read a second time, and on motion of Mr. Hampton, referred to the committee on public roads.

The message from the House of Representatives, received this morning, was taken up and read.

House bill No. 61, to be entitled an act to confirm the voluntary distribution of the slaves belong to the estate of Dial Peevey, dec'd, among his heirs.

Was read a first time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, and the bill read a second time, and ordered to a third reading on to-morrow.

On motion of Mr. Dickson, Mr. Clarke was added to the select committee to whom was referred an act to pay the Benton county militia.

On motion of Mr. Underhill, leave of absence was granted Mr. Austell.

Mr. Black moved that the Senate take a recess.

Which motion was lost.

Mr. McCamy was called to the chair.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, an act to define the crime of Felony.

Also, an act to authorize the county courts to appoint Notaries Public.

Also, a resolution requesting our delegation in Congress to procure a mail route from Charlestown, in Franklin county, via the norrows of Big-creek, to Sugarloaf, in Crawford county.

Also, a resolution requesting our delegation to procure a mail route by steam-boat from Nepoleon, in the State of Arkansas, to New Madrid, in the State of Missouri.

WM. C. MITCHELL, *Chairman.*

Mr. President laid before the Senate the following communication:

EXECUTIVE OFFICE,
Little Rock, Ark's,
Dec. 18th, 1848.

Hon. R. C. Byrd, President of the Senate:

SIR: In my message to the General Assembly, Nov. 1846, I adverted to a communication from the President of the Oakland College, Miss., as a part of the accompanying documents; the inclosed is a further communication from the same source, and accompanied with a memorial from the trustees of that Institution, praying relief.

Permit me again to call your attention to the subject, with the hope that the houses will take some action thereon.

Most respectfully,
THO'S S. DREW.

Which was read.

A communication from Jeremiah Chamberlain, President of Oakland College, accompanying the Governor's communication, was also read.

The memorial accompanying the same, setting forth that the trustees of Oakland College, Jefferson county, State of Mississippi, are the owners of the one undivided half of 7,789 74-100 acres of land, lying in St. Francis, Jackson, and Independence counties, in the State of Arkansas; which lands were donated to said College by a benevolent citizen of the State of Louisiana; and praying the passage of a law exempting them from taxation.

Was also read; and on motion of Mr. President, referred to the committee on Memorials.

On motion of Mr. Black, the Senate took a recess until 2 o'clock P. M.

At 2 o'clock P. M., the Senate convened.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the hall of the House of Representatives is now in readiness to receive the Senate for the purpose of going into convention to receive a flag from Capt. C. C. Danley; persuant to previous arrangement.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The Senate repaired to the Hall of the House of Representatives and being seated,

Capt. Danley appeared within the hall, attended by the committee of arrangements, and delivered the flag and the roll of his company to Mrs. Ellen Duval, the lady who presented the flag to Maj. Borland, the then Captain of the company, in June, 1846, with a few remarks.

Mrs. Duval presented the flag and roll to Hon. F. W. Trapnall, with a few appropriate remarks; and he presented the same to the presiding officers of both houses, with appropriate remarks; who delivered the same to the Secretary of State, to be filed in the archives of the State.

The Senate returned to their chamber.

On motion of Mr. Flanagin, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Tuesday, December 18, 1848

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

The journal of yesterday was read and approved.

Mr. President ordered a call of the Senate; the roll being called, 19 senators answered to their names.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day examined a resolution authorizing Hon. H. M. Rector to receive from the Bank of Washington, in the city of Washington, 154 five per cent. bonds, of the State of Arkansas, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. Williamson, Mr. Flanagin was added to the committee on Auditor's and Treasurer's Books.

On motion of Mr. Gould, leave of absence was granted to Mr. Maxwell, on account of indisposition of his family.

On motion of Mr. Gould, Mr. Williamson was added to the committee on the Penitentiary.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, a joint resolution, authorizing Honorable Henry *M.* Rector to receive from the Bank of Washington, in the city of Washington, 154 five per cent. bonds of the State of Arkansas.

MITCHELL, *Chairman.*

Mr. Simpson, from the committee on claims, made the following report:

Mr. President: The committee on claims, to whom was referred the memorial of R. T. Jennings, have had the same under consideration, and have instructed me to report that upon examination, they learn that the claim presented by the memorialist is now undergoing judicial investigation; they therefore are of opinion that it would not be expedient, at this time, to take any legislative action on the subject, which would interfere with the rights of either the claimant or the State, in the investigation; they therefore ask to be discharged from further consideration of the subject.

Respectfully submitted,

A. A. SIMPSON, *Chairman.*

Which report was read and adopted.

Mr. Dickson, from a select committee, made the following report:

Mr. President: The select committee to whom was referred the memorial of William Pelham, asking to have the sale of certain lands, cancelled, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage.

DICKSON, *Chairman.*

Which report was read.

The bill accompanying it, to be entitled an act to cancel the sale of certain lands.

Was read a first time.

On motion of Mr. Clarke, the report of the committee was laid on the table.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Underhill, the bill was referred to the committee on Internal Improvements.

Mr. McClain introduced a bill to be entitled an act to compensate George W. Patrick, Bank Agent.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. McClain, the bill was referred to the committee on ways and means.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have concurred in the resolution of the Senate authorizing the Hon. Henry M. Rector, Senator from Saline and Perry counties, to receive certain State bonds, from the Bank of Washington, at Washington city.

Which is herewith returned.

The House have adopted a memorial to the Congress of the U. States, asking the donation of certain land in behalf of the Clarksville Institute.

In which the concurrence of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Williamson introduced a bill to be entitled an act directing the Secretary of State to distribute the Acts and Journals of the General Assembly among the several counties.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Black introduced a bill to be entitled an act to repeal so much of chapter 61 of the Digest, as relates to secrecy of Judges and clerks of elections.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Burke introduced a bill to be entitled an act to incorporate the Phillips and Monroe counties Turnpike Company.

Which was read a first time.

On motion of Mr. Burke, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr. Burke, the bill was referred to the committee on Internal Improvement.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved and signed a bill entitled an act to define the crime of Felony.

Also, a bill entitled an act to empower the county courts to appoint Notaries Public.

Also, a resolution to instruct our delegation in Congress to use their influence to establish a mail route from Charlestown, Franklin county, to Sugar Loaf, in Crawford county.

Also, a resolution instructing our delegation in Congress to use their endeavors to procure a weekly mail route, by steamboats, from Napoleon, Arkansas, to New Madrid, Missouri.

Mr. Gould introduced a bill to be entitled an act to amend the 153d chapter of the Digest of the Statutes, under the title of Runaway Slaves.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

Ordered to a third reading on to-morrow.

The message from the House of Representatives, was taken up and read.

House memorial, No. 7, asking of Congress a donation of 5 sections of land, within the limits of the Clarksville land district, for the purpose of erecting and establishing, in the city of Clarksville, in Johnson county, an institution for the education of the blind, and for other educational purposes.

Was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the memorial read a second time.

And on further motion of Mr. McClain, the rules of the Senate were dispensed with, the memorial read a third time and passed.

House memorial, No. 5, requesting our delegation in Congress to use their influence to procure the passage of a law, granting to all volunteers, both officers and men, who served in the Creek, Seminole, and Black Hawk wars, the same amount of bounty lands which have been granted those who served in the late war with Mexico.

Was read a third time and passed.

House bill, No. 61, to be entitled an act to confirm a voluntary distribution of the slaves belonging to the estate of Dial Peeves, deceased, among his heirs.

Was read a third time.

On motion of Mr. Williamson, referred to the committee on the Judiciary.

House bill, No. 114, to be entitled an act for the relief of Elijah O. Brian, late sheriff of Washington county.

Was read a third.

On motion of Mr. Underhill, laid on the table for the present.

House bill, No. 110, to be entitled an act for the benefit of Benton county.

Was read a third time.

Mr. Mitchell offered the following amendment:

Make "section 2" section 3, and insert the following as section 2, *And be it further enacted*, That the county of Newton shall be entitled to the same benefit as the county of Benton.

Which was read and adopted.

On motion of Mr. Mitchell, the bill as amended, was referred to the committee on Education.

Senate bill, No. 56, to be entitled an act to increase the pay of witnesses in certain cases.

Was read a second time.

Mr. Black moved to amend the first section of the bill, by striking out "15 miles" and inserting "10 miles."

Mr. Watkins moved to amend the amendment by striking out the first section of the bill.

Which motion prevailed.

Mr. McClain moved to lay the bill, as amended, on the table, until the 4th day of July next.

Upon which motion, Mr. Gould called for the yeas and nays; which being ordered, were yeas 14, nays 6.

Yeas, Messrs. Black, Burke, Chism, Clarke, Dickson, Hampton, Mayfield, McClain, Mitchell, Poindexter, Simpson, Williamson, Wilson, and Mr. President—14.

Nays, Messrs. Flanagin, Gould, McCamy, Reyburn, Underhill, and Watkins—16.

So the motion to lay on the table prevailed.

Senate bill, No. 80, to be entitled an act to amend the 33d section of chapter 40, of the Digest of the Statutes, under the title of Costs.

The Bill was read a second time and ordered to a third reading on to-morrow.

Senate bill, No 75, to be entitled an act to declare Saline river, in Sevier county, navigable.

Was read a third time and passed.

Senate bill, No. 48, to be entitled an act to incorporate the College of St. Andrew.

Was read a second time.

Mr. Clarke moved to amend by striking out, after the words "to remain and have," in the 11th line of the 1st section, the words "perpetual succession, with power," and in insert in lieu thereof, the words "power to appoint their successors.

Which motion prevailed.

Mr. Clarke moved further to amend by striking out the entire 10th section.

Which motion prevailed.

Mr. Gould moved to amend the bill by adding the following section:

Sec. —. *Be it further enacted,* That none but native or naturalized citizens of the United States, shall be permitted to hold any office of trust in the institution hereby incorporated.

Which motion prevailed, and the amendment adopted.

On motion of Mr. Clarke, the bill was ordered to be engrossed, and read a third time on to-morrow.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a resolution empowering Hon. H. M. Rector to receive and receipt for the State bonds in Washington city.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present for your honor's signature, a bill to be entitled an act for the relief of Isaac N. Jackson, late sheriff of Sevier county.

Also, a joint resolution proposing certain amendments to the constitution.

Also, an act for the relief of Blessington H. Blount.

Also, an act for the election of school commissioners.

Also, an act to incorporate the Terrenoir Navigation Company.

Also, an act to incorporate the town of Batesville.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Mayfield introduced a bill to be entitled an act to incorporate the Male and Female Seminary at Washington.

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Black was called to the chair.

Senate bill No. 15, to be entitled an act to divide the seminary fund and to establish common schools.

Was taken up and read a third time.

Mr. Flanagin moved to lay the bill on the table until the 4th day of July next.

But at the suggestion of Mr. Gould, withdrew his motion to enable him to offer an amendment.

Mr. McClain moved a call of the Senate, which motion was sustained, and upon calling the roll the following Senators answered to their names:

Messrs. Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—20.

On motion of Mr. McClain, leave of absence was granted Mr. Armstrong.

On motion of Mr. Mayfield, leave of absence was granted Mr. Shaw, on account of indisposition.

On motion of Mr. McClain, the call was suspened.

Mr. Gould offered the following bill as a substitute, for the one under consideration, to-wit:

A BILL

To be entitled an act to amend the one hundred and forty-fifth chapter of the Digest of the Statutes of Arkansas, under the head of "Schools and School Lands," and to provide for the sale of the seventy-two sections of the Seminary Lands, and the distribution of the funds arising therefrom, among the several counties of this State, for the use of common schools.

Section 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the funds arising from the sales of the seventy-two sections of land, donated by the General Government, to the State of Arkansas, for the erection of a seminary of learning, and, by a subsequent act of the Congress of the United States, placed at the disposal of the General Assembly of the State of Arkansas, for use of common schools in this State, shall be distributed among the several counties of this State, to be used by the several and respective counties of this State, in establishing common schools therein.

Sec. 2. *Be it further enacted,* That the ratio, or apportionment of said fund among the several counties of this State, shall be based on the whole number of free white children of each respective county, over three, and under twenty-one years of age; which shall be determined, in every instance, by the census last taken, next immediately preceding the first, or each consecutive or subsequent distribution.

Sec. 3. *Be it further enacted,* That all money now on hand, or that may hereafter come to the hands of any of the officers of this State, authorized by said law to receive the same, as the proceeds of said sale or sales of the said seventy-two sections of seminary lands, be, and the same is hereby authorized, and required to be deposited with the State Treasurer of the State of Arkansas, and the said treasurer shall execute duplicate receipts therefor, one of which he shall deposit in the office of the Auditor of Public Accounts of this State. And it shall further be the duty of said treasurer, to enter said fund in the books of the office of the Treasurer of this State, to the credit of the common school fund.

Sec. 4. *Be it further enacted,* That the State Auditor, and State Treasurer of the State of Arkansas, be, and they are hereby authorized, and required, when any money may be on hand in the office of the State Treasurer, to the credit of the school fund, to apportion the same among the several and respective counties of this State, upon the basis, and in the manner hereinbefore provided for. And when the amount is so determined by said auditor and treasurer, to be due, and going to each respective county in this State, it shall be the duty of said treasurer, to carry the said amount, due to each and every county, by an entry in the books of said treasurer's office, to the credit of the several and respective boards of school commissioners, (provided for by the 39th section, chapter 145, of the Digest of the Statutes of Arkansas,) of the respective counties in whose favor the respective amounts are found to be due; and, therefore, it shall be the duty of the State Treasurer, in such manner as may appear to him to be most expedient, to inform the several boards of school commissioners of the several counties in this State, of said amount paid to their credit as such school commissioners, and subject to be drawn by them as such, in the manner hereinafter provided for.

Sec. 5. *Be it further enacted,* That in addition to the duties already imposed by law upon the several boards of school commissioners of the several counties of this State, created by the 39th section, of chap. 145, of the Digest of the Statutes of Arkansas, it shall be the duty of said several boards of school commissioners for the several and respective counties of this State, at their first meeting, after the passage of this act, or, as soon thereafter as practicable, to select, by ballot, one of their number, other than the presiding judge of the county court of said county, to be treasurer of said board, for the term of one year, and until a successor is elected, who, before he enters upon the duties of his office, shall take, before some one competent to administer the same, the usual oath of office, and enter into bond to the State of Arkansas, with good and sufficient security, in a sum sufficient to secure said fund against loss, which may be determined by the approval of the several county courts, and said boards, conditioned that he account for, and pay over all moneys coming to him as such treasurer—keep accurate accounts between said board and others, and at the end of the year, whether re-elected or not, he will make a fair and faithful settlement with said board, and turn over all papers, books, bonds, bills, moneys, property or effects in his hands, as such treasurer. It shall be the duty of said boards of school commissioners of the several counties of this State, to elect by ballot, one of their number, to be secretary of said board, for the term of twelve months, and until his successor is elected, who, before he enters upon the duties of his office, shall take, before some one competent to administer the same, the usual oath of office, and enter into bond to the State of Arkansas, in a sum sufficient to secure any amount that may come into his hands, as such secretary, with good and sufficient personal security, to be approved of by the board of commissioners, and also by the county court of such county, conditioned that he will, as secretary, account for, and pay over all moneys which come to his hands, as such secretary, keep accurate accounts of all the transactions of said board, and correct minutes of the proceedings of said board, and turn over, at the close of his term, as such secretary, all papers, books, bonds, notes, moneys, property and effects in his hands, as such secretary, and faithfully discharge all the duties required of him by law, as such secretary; and it shall also be the duty of the several boards of school commissioners, for the several counties in this State, to elect by ballot, one of their number, for twelve months, and until his successor is elected, as chairman of said board, whose duty it shall be to preside at all meetings, and to cause to be filed in the office of the clerk of the county court of his respective county, a statement of the result of each annual election, taking place in said board, which, when so filed, shall become, and be a part of the records of said county court.

Sec. 6. *Be it further enacted*, That all moneys going to the several boards of school commissioners, for the several and respective counties of this State, shall pass into the hands of said several and respective boards only as follows, to-wit: upon the warrant of said board, drawn in every instance in favor of the treasurer, signed by the secretary, and countersigned by the chairman. When such warrants are drawn on the State Treasurer, they shall also be certified to by the clerk of the county court with the seal of said court; whereupon, in every instance such warrants shall be a sufficient voucher in favor of holder and against the treasurer of said several counties of this State. And it shall further be the duty of said board, in the disbursement of all moneys by them, to drawn their warrant, signedby the chairman and counter-signed by the secretary, in favor of the claimant against the treasurer, which warrant, when taken up by the treasurer, shall be his voucher for the amount thus paid out.

Sec. 7. *Be it further enacted*, That all moneys arising from the rents, or sales of the seventy-two sections of land, known as the Saline Lands, as the same may be collected by the several officers of this State having authority to collect the same, shall be deposited with the State Treasurer, for the use of common schools, and shall be receipted for by him as such State Treasurer, and drawn for and used in like manner, and for the same purposes, as the funds arising from the sales of the seventy-two sections of lands, known as the Seminary Lands.

Sec. 8. *Be it further enacted*, That all fines and forfeitures, of every description, and all moneys arising from Estrays, and from the License granted to Hawkers and Pedlers, shall be paid into the county treasury of the several and respective counties of this State, for the use of common schools in said county, and shall be drawn for by the several boards of school commissioners of the several counties, by their warrant in favor of the treasurer of said several and respective boards, in like manner, and for the same purpose herein before provided for.

Sec. 9. *Be it further enacted*, That the funds, hereby contemplated to be raised for the use of common schools, and to be distributed among the several counties of this State, for the purposes of common schools, shall be when so distributed, and in the hands of the several boards of school commissioners in the several counties in this State—a perpetual fund, for the benefit of common schools in the several counties in this State, and shall in no case be drawn upon, or expended. The interest, alone, of which said fund being hereby set apart, for the use of the several boards of school commissioners in the several counties in this State, in the exercise of their power, privileges and duties granted and imposed by law in organizing, conducting a system of common schools.

Sec. 10. *Be it further enacted*, That it shall be the duty of the several and respective boards of school commissioners of the several counties in the State, to loan out the principal of said fund, on bond, with personal security to be approved by each and every member of such respective board, of school commissioners, and with the further security of mortgage upon real estate, with double the amount intended to be secured, and estimated by said board, provided, that no lien shall be taken upon real estate, unless said boards are satisfied, there is no previous lien or incumbrance on said land, but the title thereto is clear, which bonds and mortgages, when so taken and approved by the county court, and such approval entered upon record in the minutes of said county court, and also in the minutes of the proceedings of said respective board of school commissions shall be deemed good, and justification to said board in immediately thereafter or thereon loaning out said funds.

Sec. 11. *Be it further enacted*, That all moneys loaned by the several and respective boards of school commissioners of the several counties in this State, shall be at such rate as may accord with the judgment of said boards having an eye to the highest security, and guaranty of ultimate payment of the principal and interest, which shall in no case be less than six, nor over ten per centum per annum, payable in all cases *Semi*-annually in advance.

Sec. 12. *Be it further enacted*, That in addition to the duties, powers and privileges heretofore, and hereby granted by law, to said several boards of school commissioners for the several counties in this State, shall have power and authority, in their corporate capacity to pass by-laws, and to make all needful rules and regulations—employ teachers—purchase and sell books—and to do all other things, to the extent necessary and proper to enable them to put in operation a system of common schools in their respective counties.

Sec. 13. *Be it further enacted*, That so much of the Digest of the Statutes of this State, as constitutes the treasurers of the several counties of this State, the treasurers of the several and respective boards of school commissioners in the several counties of this State, and also, the 44th section of chapter 145 of the Digest of the Statutes of Arkansas, be, and the same is hereby repealed.

Sec. 14. *Be it further enacted*, That it shall be the duty of the said several boards of school commissioners of the several counties in this State, whenever any interest shall accumulate in their hands, for school purposes, to distribute the same among the legally organized district schools, in their respective counties; *Provided*, nevertheless, it shall be the duty of said boards of school commissioners to give at least three months notice throughout the county of such contemplated distribution, by advertisements in all the Congressional townships in the said counties.

Sec. 15. *Be it further enacted*, That the amount accumulated in the hands of the several boards of school commissioners in the several counties, from interest, shall be apportioned out in said county, and distributed only to such Congressional school districts, as may have organized themselves, and elected their officers, as provided by law, and according to the number of free white children over three, and under twenty-one years of age.

Sec. 16. *Be it further enacted*, That if any township or townships, or Congressional school district shall fail or neglect to organise, they shall be cut off from any share in such distribution, or any subsequent distribution, until they do organise, and elect officers as provided by law; *Provided however*, that the children of any portion or part of the county shall be entitled to the benefits of the nearest school to them, in case their parents or guardians will comply with the rules and regulations of said nearest school district.

Sec. 17. *Be it further enacted*, That this act take effect and be in force from and after its passage.

The question being on the adoption of the substitute, in lieu of the original bill, Mr. Simpson called for the yeas and nays, which being ordered were yeas 8, nays 11.

Yeas, Messrs. Burke, Flanagin, Gould, Poindexter, Reyburn, Underhill, and Mr. President—8.

Nays, Messrs. Austell, Black, Chism, Clarke, Dickson, Mayfield, McCamy, McClain, Mitchell, Simpson, Watkins, and Williamson—11.

So the substitute was not adopted.

Mr. Flanagin moved that the Senate resolve itself into a committee of the whole, on Senate bill No. 15, to be entitled an act to divide the seminary fund and to establish common schools.

Upon which motion, Mr. Watkins called for the yeas and nays, which being ordered, were yeas 10, nays 9.

Yeas, Messrs. Burke, Chism, Clarke, Flanagin, Gould, Poindexter, Reyburn, Underhill, Wilson, and Mr. President—10.

Nays, Messrs. Black, Dickson, Mayfield, McCamy, McClain, Mitchell, Simpson, Watkins, and Williamson—9.

So the motion to go into committee of the whole, prevailed.

Mr. Poindexter in the chair.

After sometime spent in committee they arose, and through their chairman, reported the bill back to the Senate with the following amendments:

Sec. —. *Be it further enacted,* Upon every new census as taken by the authority of this State, it shall be the duty of the treasurer to ascertain the amount due each county as fixed by the rule of distribution, by section first of this act, and in his future distribution of said fund shall distribute in accordance with said censes, taking into consideration, the amounts heretofore distributed to the several counties.

Sec. —. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Which report was read and adopted.

Mr. Flanagin moved to amend the 6th section of the bill, by striking out the "first Monday in May next," and on the first Monday in May every two years thereafter, and insert "in 1850, and every two years thereafter," and called for the years and nays, which being ordered, were yeas 6, nays 14.

Yeas, Messrs. Burke, Flanagin, Reyburn, Underhill, Wilson, and Mr. President—6.

Nays, Messrs. Black, Chism, Clarke, Dickson, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Simpson, Watkins, and Williamson—14.

So the amendment was lost.

On motion of Mr. Black, the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Williamson introduced the following resolution.

Resolved by the General Assembly of the State of Arkansas, That the committee on the Auditor's and Treasurer's books be instructed to direct the registration of all Treasury Warrants redeemed by the Treasurer, up to the 30th day of September, 1848, in a book, and after examining and certifying such registration to be correct, cause the warrants so redeemed to be burnt.

Which was read.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, the resolution read and adopted.

On motion of Mr. Williamson the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Wednesday, December 20, 1848.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 16 Senators answered to their names.

The journal of yesterday was read and approved.

Mr. Gould, from the committee on Ways and Means, made the following report:

Mr. President: The standing on committee ways means, to whom was referred a bill to compensate Geo. W. Patrick, Bank Agent, have instructed me to report the same back and recommend the blank to be filled with $240,00, which would make the entire compensation to said Patrick for his services $580,00.

J. GOULD, *Chairman.*

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have assented a bill to be entitled an act to distribute the Digest of the Statutes of Arkansas, with certain amendments thereto, in which the concurrence of the Senate is respectfully asked.

Said bill is herewith returned.

The House have passed a bill to be entitled an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas for internal improvement purposes.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

On motion of Mr. McClain, the report of the committee of ways and means, was laid on the table.

Mr. McClain moved to fill the blank with $460.

Which motion was lost.

On motion of Mr. Clarke, the blank was filled with $400.

The bill, as amended, was read a third time and passed.

Mr. Williamson, from the committee on public roads, made the following report:

Mr. President: The committee on public roads to whom was referred the bill supplementary and amendatory to the several acts, relative to the corporation of the Little Rock Bridge Company, have had the same under consideration and have instructed me to report the same back to the Senate and recommend that the bill be referred to the committee on the judiciary, and that the committee be discharged from the further consideration of said bill, all of which is respectfully submitted.

WILLIAMSON, *Chairman.*

Which report was read and adopted.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The standing committee on the judiciary to whom was referred House bill entitled an act to carry into effect the noncupative will of Hastings Marks, have instructed me to report the same back without amendment and recommend its passage.

J. GOULD.

Which report was read, adopted, and bill read a third time and passed.

Mr. McCamy, from the committee on education, made the following report:

Mr. President: The committee on education, to whom was referred House bill No. 110, to be entitled an act for the benefit of Benton county, have had the same under consideration, and have instructed me to report the same back with the following amendment and recommend its passage.

Add to the 3rd sec. of the bill the words, "so far as the same concerns the said counties of Benton and Newton; and that this act take effect and be in force from and after its passage.

McCAMY, *Chairman.*

Which report was read and adopted.

Mr. Chism moved to amend, by way of rider, by excepting Scott county.

Mr. Poindexter moved to lay the bill and amendment on the table, which motion was lost.

The amendment offered by Mr. Chism was adopted.

Mr. Underhill was called to the chair.

The question being on the final passage of the bill, Mr. Poindexter called for the yeas and nays, which being ordered, were yeas 9, nays 12.

Yeas, Messrs. Black, Chism, Clarke, Dickson, Gould, McCamy, Mitchell, Simpson, and Watkins—9.

Nays, Messrs. Burke, Flanagin, Hampton, Mayfield, McCl Poindexter, Reyburn, Shaw, Underhill, Williamson, Wilson Mr. President—12.

So the bill was lost.

Mr. President resumed the chair.

On motion of Mr. Gould, Senate bill No. 25, entitled an act to distribute the Digest of the Statutes of Arkansas, returned from the House of Representatives this morning, with sundry amendments thereto, was taken up.

The first amendment of the House was read.

Mr. Gould moved that the Senate refuse to concur in the amendment.

Which motion prevailed.

The second amendment of the House was read and concurred in by the Senate.

The third amendment was read, and on motion of Mr. Gould, concurred in by the Senate.

The fourth amendment of the House was read, and on motion of Mr. Hampton, concurred in by the Senate.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature a memorial to the Congress of the United States, upon the subject of valueless lands.

Also, an act to define the line between the counties of Newton, Madison and Johnson.

Also a joint resolution proposing certain amendments to the Constitution.

Also, an act to postpone certain elections to be held in Drew and Ashley counties.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Chism introduced the following resolution:

Resolved, That the committee on militia be requested to enquire into the propriety of abolishing a portion of the duties now required to be performed by the militia of this State, and more fully enforce the performance of the remainder of their duties; and that they report by bill or otherwise.

Which was read, and the question taken on its adoption, and was lost.

Senate bill, No. 15, to be entitled an act to divide the seminary fund and to establish common schools.

Was read a third time.

The question being on its final passage, Mr. Poindexter called for the yeas and nays, which being ordered were yeas 13, nays 8.

Yeas, Messrs. Black, Chism, Clarke, Dickson, Hampton, Mayfield, McCamy, McClain, Mitchell, Shaw, Simpson, Watkins, and Williamson—13.

Nays, Messrs. Burke, Flanagin, Gould, Poindexter, Reyburn, Wilson, and Mr. President—8.

So the bill passed.

Senate bill, No. 48, to be entitled an act to incorporate the College of St. Andrew.
Was read a third time and passed.

Senate bill, No. 84, to be entitled an act directing the Secretary of State, to distribute the Acts and Journals of the present General Assembly among the several counties.
Was read a second time.

On motion of Mr. Gould, referred to the committee on Public Printing.

Senate bill, No. 85, to be entitled an act to repeal sections 15 and 16 of chapter 61, of the Digest of the Statutes, under the head of Elections.
Was read a second time.
On motion of Mr. Williamson, referred to the committee on Elections.

Senate bill, No. 87, to be entitled an act to amend the 153d chapter of the Digest of the Statutes, under the title of Runaway Slaves.
Was read a third time and passed.

Senate bill, No. 88, to be entitled an act to amend an act entitled an act to incorporate the Male and Female Seminary at Washington.
Was read a second time.
On motion of Mr. Poindexter, referred to a select committee, consisting of Messrs. Poindexter, Mayfield, and Flanagin.

Senate bill, No. 80. to be entitled an act to amend the 33d section of chapter 40, of the Digest of the Statutes, under the title of Costs.
Was read a third time and passed.

House bill, No. 104, to be entitled an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas, for internal improvements.
Was read a first time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. McClain, the bill was referred to the committee of the whole, and made the order of the day for to-morrow.

Mr. Clarke introduced a bill to be entitled an act to provide for the sale of the Saline lands.
Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Clarke, the bill was referred to the committee on Education.

On motion of Mr. Clarke, Mr. Watkins was added to the committee on Education.

On motion of Mr. Underhill, the Senate adjourned.

R. C. BYRD, *President*,
of the Senate.

Thursday, *Dec.* 21, 1848.

The Senate met pursuant to an adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called 20 Senators answered to their names.

The Journal of yesterday was read and approved.

Mr. Simpson presented a petition, signed by 97 citizens of Fulton county, praying this General Assembly to declare the Big North Fork of White river a navigable stream.

Which was read.

On motion of Mr. Williamson, referred to the committee on internal improvements.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have passed a bill to be entitled an act to incorporate the town of Clarksville.

Also, a bill to be entitled an act to incorporate the town Benton, Saline county, State of Arkansas.

Also, an act to incorporate the Grand Division of the Sons of Temperance for the State of Arkansas.

To which the concurrence of the Senate is respectfully asked.

The House have assented to the joint resolution of the Senate, requiring the committee on the Auditor's and Treasurer's Books, to direct the registration of all Treasury warrants, redeemed by the Treasurer up to 30th Sept., 1848, in a book and after examining and certifying such registration to be correct, to cause the warrants so redeemed to be burnt.

Which is herewith returned.

The House have adopted a resolution appointing a committee of 5 to act in conjunction with such committee as the Senate may appoint to ascertain the amount of the bills of the Bank of the State of Arkansas and Branches, now in possession of the principal bank, and to burn the same and make report thereof.

In which the concurrence of your honorable body is respectfully asked.

The committee on the part of the House, are Messrs. Wilson of W., Patrick, Billingslly, Dunn, and Parks.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Mitchell, from the committee on enrolled bills made the following report:

Mr. President: The committee on enrolled bills, have examined an act to incorporate the city of Clarksville, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr. McCamy introduced the following preamble and resolutions:

Whereas, that it is the duty of every member of this Senate to remain in the service of his country, during the session of the legislature, for which he was elected by his constituents, unless compelled to leave by some unforeseen domestic occurrence; therefore,

Resolved, That it is highly injurious to the public interests, for member to absent themselves from their duties, before the important subjects of legislation have been disposed of.

Resolved, That in certifying the accounts of such absentees, who leave the capital, and who do not return before the close of the session, the President of the Senate be requested not to include the time said members were absent.

Which were read and adopted.

Mr. Chism introduced the following joint resolutions:

Joint resolutions on the subject of democratic principles.

Resolved by the General Assembly of the State of Arkansas:

1. Notwithstanding the defeat of the democratic candidates in the recent Presidential election, we have an unshaken confidence in the correctness of the great cardinal principles which the democratic party have ever cherished and maintained.

2. The great measures of the party having proven highly conducive to the welfare and prosperty of the country, we regard the election of General Taylor, as no condemnation of them by the American people; but as he is a minority President, we attribute his success, measurably, to the division produced in our party by that rank disorganizer and traitor to democracy, and the true interest of his country, Martin Van Buren, whose conduct will consign him to an infamy which he richly deserves.

3. That we recommend the democracy of this State, and of the whole Union, to hold fast to the doctrines of the Baltimore platform, under the pleasing assurance, that truth is mighty and will prevail.

4. That so far as the administration of General Taylor may conform to the principles declared in that platform, we will give to it a cordial support, but will condemn and oppose any measure ad-

verse to those principles; and we hereby instruct our Senators in Congress, and request our Representative to do likewise.

5. And we further instruct and request our said Senators and Representative, to oppose any bill creating a National Bank; any bill changing materially the tariff act of 1846, and attempting to revive the tariff of 1842; any bill to establish and carry on by Congress a general system of internal improvements; any system of policy calculated to create and fasten down upon the country a National debt; any bill to establish a system of bankruptcy; and any and all attempts on the part of Congress to interfere with the institutions of slavery in the States, Territories, or District of Columbia, leaving them, however, the discretion to extend the Missouri Compromise line through the territory lately acquired from Mexico, if necessary to the peace and harmony of the country.

6. That a copy of these resolutions be forwarded to our Senators and Representative in Congress, by the Secretary of State; and that all newspapers in this State, or elsewhere, friendly to the cause of democracy be requested to publish the same.

Which were read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the resolutions read a second time.

Mr. Gould moved to lay the resolutions on the table for the present.

Which motion was lost.

Mr. Flanagin moved to amend by striking out the words "and that all newspapers in this State, or elsewhere, friendly to the cause of democracy, be requested to publish the same."

Which motion was lost.

Mr. Flanagin moved to lay the resolutions on the table until the 4th day of March next.

Upon which motion, Mr. Black called for the yeas and nays; which being ordered, were yeas 5, nays 16.

Yeas, Messrs. Burke, Flanagin, Poindexter, Underhill, Wilson —5.

Nays, Messrs. Black, Chism, Clarke, Dickson, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Reyburn, Shaw, Simpson, Williamson, and Mr. President—16.

So the motion was lost.

The resolutions were ordered to a third reading on to-morrow.

Mr. Gould, from the judiciary committee, made the following report:

Mr. President: The committee on the judiciary to whom was referred House bill, entitled an act to amend the 14th section of the 3d art. of the 153d chapter of the Digest, have instructed me to report the same as inexpedient.

J. GOULD.

Which report was read and adopted.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred House bill, entitled an act to amend the law of attachment, have instructed me to report the same as unnecessary and inexpedient.

J. GOULD.

Which report was read and adopted.

Mr. Clarke, from the committee on Counties and County Lines, made the following report.

Mr. President: The committee on counties and county lines, to whom was referred the Senate bill, entitled an act to alter the line between the counties of Clark and Dallas, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

CLARKE, *Chairman.*

Which report was read and adopted.

The bill accompanying it, was read a third time and passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor, for his approval, an act to incorporate the city of Clarksville.

WM. C. MITCHELL, *Chairman.*

Mr. Hampton, from the committee on internal improvements, made the following report:

Mr. President: The standing committee on internal Improvement to whom was referred Senate bill, No. 82, entitled an act to cancel the sales of certain lands, have had the same under consideration, and I am instructed to report that the committee are of opinion that it is inexpedient to legislate upon the subject.

HAMPTON; *Chairman.*

Which report was read.

Mr. Dickson moved to lay the report on the table.

Which motion was lost, and the report adopted.

Mr. Hampton, from the committee on internal improvements, made the following report:

Mr. President: The standing committee on internal improvement to whom was referred the bill entitled an act to incorporate the Phillips and Monroe Counties Turnpike Company, have had the same under consideration, and I am instructed to report the same back, and recommend its parsage.

HAMPTON, *Chairman.*

Which report was read and adopted; and the bill read a 3d time and passed.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred an act to amend the law in relation to guardians and wards, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

H. FLANAGIN.

Which report was read and adopted, and the bill read a 3d time and passed.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The standing committee on the judiciary to whom was referred an act to confirm a voluntary distribution of the slaves, belonging to the estate of Dial Peevy, deceased, among his heirs, have had the same under consideration, and have instructed me to report, that they cannot imagine how an act of this General Assembly is to effect the distribution in said bill mentioned. Nothing can be more clear than the legislature, under our constitution, cannot destroy a private right.

If the act pass, still any one of the heirs can question the distribution, by a suit at law, unless the act is binding and obligatory upon its face; and if it be an absolute and legal distribution, then it needs no act of the legislature to make it force. They, therefore, recommend that the bill be rejected.

H. FLANAGIN, *Chairman.*

Which was read and adopted.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred a bill entitled an act allowing appeals from the county and probate court have had the same under consideration, and recommend to amend by striking out the words "county or," in the 6th line, by adding section 2 and 3, in the following words:

Sec. 2. *Be it further enacted*, That appeals shall be granted from all orders or judgments of the county court, making allowances, or refusing to make allowance to any individual or individuals, made in the county court.

Sec. 3. *Be it further enacted*, That before such appeals shall be allowed the party applying for the same, should make and file his affidavit or the affidavit of some other person, that said appeal is not taken for the purpose of delay, but that justice may be done, and a bond, conditioned for the payment of costs for which the applicant may be liable.

Sec. 4. That this act shall take effect and be in force from and after its passage.

H. FLANAGIN, *Chairman.*

Mr. Burke, from a select committee, made the following report:

Mr. President: The select committee, on the part of the Senate, to whom was referred House bill, No. 107, entitled an act to define the boundary lines of the counties of Prairie, White, Jackson, St. Francis, and Monroe, have had the same under consideration, and have instructed me, after a careful investigation, to report the same back to the Senate, with following amendment:

Strike out all that portion of the bill, which provides for the attaching any portion of the territory of Monroe county to that of Prairie or any other county.

Your committee would respectfully direct the attention of the Senate to an act passed and approved the 18th November, 1837, under the head of Petitions, chapter 125, page 791, of the Statutes, viz:

Sec. 1. No petition shall, after the end of the present General Assembly, be finally acted on, which prays for a new county, the change of a county line, or the removal of the seat of justice of any county, &c., &c., unless a copy of such petition be set up at the court house door of the county or counties to be effected thereby, and also one copy in the most public place in each township in such county or counties, 40 days before such petition be presented to the General Assembly.

Sec. 2. Every such petition shall be accompanied by the affidavit of some creditable person, stating that the notice required in the preceding section, was given in the manner prescribed.

Your committee believe that this act was wisely intended to meet cases like the present, in regard to Monroe county, to prevent a too hasty action of the legislature, to the injury of counties, before the subject had been sufficiently investigated by those whom it was to effect.

In addition to the foregoing reasons, your committee have had the petition or remonstrance, of a large and respectable number of the citizens of Monroe county, before them, remonstrating in strong, but respectful terms, against the detachment, or loping off, of their territory, or alteration being made in their county lines, and their reasons therefore, which your committee would respectfully ask to have read for the information of the Senate.

Your committee would further remark that there is no evidence before them, of the nature, &c., required by the act before quoted, having been complyed with.

Respectfully submitted,
BURKE, *Chairman.*

Which report was read and adopted.

The remonstrance referred to in the foregoing report, signed by 74 citizens of Monroe county, was read.

The bill accompanying the report to be entitled an act to alter and define the boundary lines of the counties of Prairie, White, Jackson, St. Francis, and Monroe.

Was read a third time.

On motion of Mr. Poindexter, the bill was laid on the table indefinitely.

The question was then taken on the adoption of the report of the committee on the judiciary, reporting back Senate bill, No. 78, to be entitled an act allowing appeals from the county and probate courts.

Which prevailed.

On motion of Mr. Flanagin, the bill, as amended, was ordered to be engrossed, for a third reading on to-morrow.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act to repeal sections 9, 10, 11, 12, 13, 14, 15, and 16, of chapter 94, of the Digest of the Statutes of Arkansas.

To which the assent of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk.

Mr. President: I present for your honor's signature an act to re-establish the old line between Perry and Montgomery counties.

Also, an act to declare Cadron river a navigable stream.

Also, a joint resolution instructing our delegation in Congress to procure the passage of a law, making the city of Little Rock a Port of entry and delivery.

Also, a memorial to the Congress of the United States, asking appropriations for the repairs of Forts, Barracks, &c.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

House bill No. 149, to be entitled an act to repeal sections 9, 10, 11, 12, 13, 14, 15 and 16, of chapter 94, of the Digest of the Statutes of Arkansas.

Was read a first time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Williamson, the rules of the Senate were again dispensed with; the bill was referred to the committee on the judiciary.

The joint resolution from the House of Representatives, appointing a joint select committee to ascertain the amount of bills of the Bank of the State of Arkansas, and branches now in possession of the principal bank, and to burn the same, and make report thereof.

Was read a first time.

On motion of Mr. Wilson, the rules of the Senate were dispensed with, and the resolution read a second time.

And on further motion of Mr. Wilson, the rules of the Senate were dispensed with, the resolution read a third time and concurred in by the Senate.

Mr. President appointed Messrs. Wilson, Gould and Williamson, committee on the part of the Senate.

House bill No. 141, to be entitled an act to incorporate the Grand Division of the Sons of Temperance for the State of Arkansas.

Was read a first time.

On motion of Mr. Hampton, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Hampton, the bill was referred to a select committe, consisting of Messrs. Hampton, Clarke and Watkins.

Mr. Underhill, from the committee on Public Printing, made the following report:

Mr. President: The committee on Public Printing, to whom was referred an act directing the Secretary of State to distribute the Acts and Journals of this General Assembly among the several counties, have instructed me to report the same back and recommend its passage, with the following amendments, viz: by filling the first blank with 15th, the second blank with twenty-two hundred, and the third blank with sixteen hundred.

All of which is respectfully submitted.

UNDERHILL, *Chairman.*

Which report was read and adopted, and the bill, as amended, read a third time and passed.

House bill No. 140, to be entitled an act to incorporate the town of Benton, in Saline county.

Which was read a first time, and ordered to a second reading on to-morrow.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a bill entitled an act to incorporate the city of Clarksville.

Dec. 21st, 1848.

JNO. D. ADAMS, *Sec'y to the Gov.*

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled an act to alter and change the lines between the counties of Hot Spring and Montgomery.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

In pursuance of a referrence made on yesterday, the Senate resolved itself into a committee of the whole on House bill No. 104, to be entitled an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas for internal improvements.

Mr. Williamson in the chair.

After sometime spent therein, the committee arose and reported the bill back to the Senate, with the following amendments:

Insert the words 'so much of' between the words 'divide' and 'said' in sec. 2.

Add to section 10, the words 'and that said books shall always be open to any person for inspection.

Add to the 4th section, the words 'by putting up at least one advertisement in each township.

Amend section 11, by adding the following: *Provided*, that when in the opinion of said commissioners, it becomes necessary to sell any negroes or other property belonging to said board, they shall be permitted to do so, and the money arising from said sale, shall be deposited in the treasury as other money belonging to said board.

Amend the 12th section, by adding between the words 'estate' and 'of,' in the 9th line, the words 'or personal security,' and strike out the word 'of' between the words 'estate' and 'double,' and insert in lieu thereof the word 'for.'

Amend sec. 18, by inserting after the word 'Treasurer,' the words 'of the board.'

Amend section 22, by striking out 'the county court of the county to which said commissioners belong, and said court,' and insert 'the board of commissioners of the proper county, and said board.'

Amend sec. 23, by striking out the words 'any judge of the circuit court in said district,' and insert 'the said district board.'

Which amendments were read.

Mr. Gould offered the following bill as a substitute for the one reported back from the committee of the whole, to-wit:

A bill to be entitled an act to establish a board of internal improvement and for other purposes.

Section 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the legislature shall proceed to divide the State in to four districts to be called internal improvement districts, and numbered 1, 2, 3, and 4.

Sec. 2. *And be it further enacted*, That the first district shall be composed of the following counties, to wit: Fulton, Izard, Marion, Searcy, Van Buren, Carroll, Newton, Benton, Madison, Washington, Franklin, Crawford, Johnson, and Pope.

Sec. 3. *And be it further enacted*, That the second district shall be composed of the following counties, to wit: Scott, Yell, Conway, Perry, Montgomery, Saline, Hot Spring, Clarke, Pike, Polk, Sevier, Hempstead, and Lafayette.

Sec. 4. *And be it further enacted*, That the third district shall be composed of the following counties, to wit: Pulaski, Prairie, Jefferson, Arkansas, Desha, Chicot, Drew, Ashley, Ouachita, Union, Bradley, and Dallas.

Sec. 5. *And be it further enacted*, That the fourth district, shall be composed of the following counties, to-wit: Randolph, Lawrence, Independence, White, Jackson, Monroe, Phillips, Poinsett, Green, St. Francis, Crittenden, and Mississippi.

Sec. 6. *And be it further enacted,* That it shall be the duty of this legislature to proceed to appoint three judicious and discreet persons for each district, to act as commissioners for each internal improvement district.

Sec. 7. *And be it further enacted,* That the treasurer of the State of Arkansas, shall pay over quarterly, upon the Auditor's warrant, the one fourth of all the internal improvement funds, to each set of district commissioners, after their having given bond, payable to the State of Arkansas, with security and approved by the Governor and Secretary of the State, which bond shall be filed away in the office of the Secretary of State.

Sec. 8. *And be it further enacted,* That it shall be the duty of said commissioners, so soon as there is as much as $10,000 of the respective portions placed into their hands, they shall at once proceed to purchase able bodied young negro men, in the name of the State of Arkansas, after which they shall commence and classify the objects of internal improvements, in each of their respective districts, taking into consideration those objects which are calculated to redound to the greatest good to the State.

Sec. 9. *And be it further enacted,* That it shall be the duty of the commissioners of each district, after having performed the duties required of them in the 7th section of this act, they shall employ a man of temperate habits and industrious, in each district, to perform the duties of overseer, to manage said hands, and all such work as may be intrusted to their care, paying him such salary as in their judgment may seem proper, taking into consideration the number of hands under their care and the importance of the work.

Sec. 10. *And be it further enacted,* That if any vacancy occur by death, removal, or resignation, then and in that case the Governor shall have power to fill such vacancy, until the next succeeding legislature.

Sec. 11. *And be it further enacted,* That it shall be the duty of said commissioners to keep books and accounts of all moneys received and paid out, and make a full and concise report to the Governor of the State, and such document shall be one of the accompanying documents of his message to the legislature, setting fourth in their report the health of and condition of the State hands; the amount of provision and clothing consumed, and the cost of the same; the number of miles worked upon road, and in what manner they have worked; and the number of miles worked upon water courses; the quality and cost of implements used in such work.

Sec. 12. *And be it further enacted,* That this Legislature shall appropriate the sum of two hundred and fifty thousand dollars; two hundred and twenty-five thousand of said sum shall be deemed sufficient for the purchase of slaves, to carry out the objects intended by the General Government, and the remainder of said appropriation shall be deemed sufficient for all contingent expenses.

Sec. 13. *And be it further enacted,* That each commissioner employed in his respective district shall be entitled for his services two dollars per day while actually engaged in his indispensible duties, and all expenses incurred by him, while upon any mission in regard to his duties as commissioner.

Sec. 14. *And be it further enacted,* That it shall be the duty of said commissioners, to make oath or proof of their accounts for their services as such, and all expenses incurred by them while on duty, and it shall be the duty of the Auditor to examine and audit the same and draw a warrant upon the treasury for the same as in other cases provided for.

Sec. 15. *And be it further enacted,* That the Legislutre shall have a supervising control over all the hands of each district and objects of internal improvement and may make any changes or alterations as may seem most beneficial to the State, and may authorise the commissioners of each district to move their hands to any particular point or object, and may grant any petition or prayer as in their wisdom may do the greatest good to the greatest number of people in each district.

Sec. 16. *And be it further enacted,* That if the commissioners of any one of the districts mentioned shall disagree as to what object of internal improvement they shall commence, they shall then, and in that case, determine the case by lottery, and when so determined they shall acquiesce in such choice.

Sec. 17. *And be it further enacted,* That this act shall take effect and be in force from and after its passage.

Which was read.

The question being on the adoption of the substitute in lieu of the original bill, Mr. Williamson called for the yeas and nays; which being ordered, were yeas 8, nays 13.

Yeas, Messrs. Burke, Flanagin, Gould, Poindexter, Reyburn, Underhill, Wilson, and Mr. President—8.

Nays, Messrs. Black, Chism, Clarke, Dickson, Hampton, Mayfield, McCamy, McClain, Mitchell, Shaw, Simpson, Watkins, and Williamson—13.

So the substitute was lost.

On motion of Mr. McClain, the report of the committee of the whole was adopted, and the amendment concurred in by the Senate.

Mr. Gould offered the following amendment as an additional section to the bill.

Sec. 24. *Be it further enacted,* That it shall be the duty of the commissioners of the counties of Bradley, Drew and Ashley to expend at least one-fourth of the fund which may be distributed to those counties, in improving the navigation of the Saline River.

Which was read, and the question taken on its adoption, it was lost.

Mr. Flanagin moved to amend the 3rd section, by striking out 'five' and inserting 'three' in lieu thereof.

Which motion was lost.

Mr. Flanagin offered the following amendment:

Amend 5th sec. by adding, and each of said commissioners shall give bond to the State of Arkansas in the sum of $2500, conditioned he will not sign any order for the payment of money by the treasurer, unless it be for a liability arising under this act, and within its spirit and meaning.

Which amendment was read, and the question taken on its adoption, it was lost.

Mr. Poindexter moved to amend the bill by striking out the 19th section; and called for the yeas and nays, which being ordered were yeas 7, nays 14.

Yeas, Messrs. Burke, Flanagin, Gould, Poindexter, Reyburn, Wilson, and Mr. President—7.

Nays, Messrs. Black, Chism, Clarke, Dickson, Hampton, Mayfield, McCamy, McClain, Mitchell, Shaw, Simpson, Underhill, Watkins, and Williamson—14.

So the motion to strike out was lost.

Mr. Flanagin offered the following amendment:

Sec. —. Strike out and insert in lieu thereof, the treasurer of each county shall be treasurer of the internal improvement board, and shall enter into bond to the State of Arkansas, in double the amount received, conditioned that he will faithfully perform the duties assigned him, with security to be approved by the internal improvement board, and he shall also make an affidavit that he will faithfully demean himself in office.

Which was read, and the question taken on its adoption; it was lost.

On motion of Mr. McClain, the bill, as amended, was read a third time.

The question being on its passage, Mr. Burke called for the yeas and nays; which being ordered, were yeas 13, nays 8.

Yeas, Messrs. Black, Chism, Clarke, Dickson, Hampton, Mayfield, McCamy, McClain, Mitchell, Shaw, Simpson, Watkins, and Williamson—13.

Nays, Messrs. Burke, Flanagin, Gould, Poindexter, Reyburn, Underhill, Wilson, and Mr. President—8.

So the bill was passed.

On motion of Mr. Clarke, Mr. McClain was added the select committee to whom was referred the bill of the House for the erection of a monument to the memory of Col. Yell and his comrades.

Mr. Dickson moved that the Senate adjourn.

Which motion was lost.

On motion of Mr. Flanagin, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Friday, December 22, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

The chair ordered a call of the Senate; the roll being called, 18 senators answered to their names.

The journal of yesterday was read and approved.

Mr. Mitchell presented six petitions signed by 210 citizens of Newton, Carroll, and Marion counties, praying a division of said counties.

Mr. Mitchell, at the same time presented a remonstrance, signed by 353 citizens of Carroll county, remonstrating in strong terms against the division of said counties.

All of which were read, and on motion of Mr. Mitchell, referred to the committee on counties and county lines.

Mr. Burke, from the committee on elections, made the following report:

Mr. President: The standing committee on elections, to whom was referred the bill of the Senate No. 85, to be entitled an act to repeal section 15 and 16, of chapter 61, of the Digest, under the head of Elections, have had the same under consideration, and finding that they cannot agree, being divided as the committee are now constituted, two for, and two against the repeal of said law, and have instructed me to report the same back to the Senate, and respectfully ask to be discharged from the further consideration of the same.

BURKE, *Chairman,*
Stand. com. on elections.

Which report was read and adopted.

Mr. Hampton, from a select committee, made the following report:

Mr. President: The select committee to whom was referred the bill of the House of Representatives No. 141, entitled an act to incorporate the Grand Division of the Sons of Temperance for the

State of Arkansas, have instructed me to report the same back, amended, by inserting the following proviso to sec. 3: *Provided*, said corporation shall not have and hold property, real or personal, to an amount exceeding two thousand dollars, and recommend its passage.

HAMPTON, *Chairman.*

Which report was read and adopted.

On motion of Mr. McClain, the proviso to the 3rd section was stricken out.

Mr. Flanagin moved to amend by adding the following to section 3:

Provided, that said corporation shall not be allowed to hold over two hundred thousand dollars worth of real estate at any one time.

Mr. Gould moved to amend the amendment, by striking out 200,000 and inserting 4,000.

Which motion was lost.

The question was then taken on the amendment offered by Mr. Flanagin, and it was adopted, and the bill, as amended, read a third time and passed.

Senate bill No. 78, to be entitled an act allowing appeals from the county and probate courts.

Was read a third time and passed.

House bill No. 140, to be entitled an act to incorporate the town of Benton, in Saline county.

Was read a second time.

On motion of Mr. Reyburn, the rules of the Senate were dispensed with, and the bill read a third time and passed.

House bill No. 132, to be entitled an act to alter and change the lines between the counties of Hot Spring and Montgomery.

Was read a first time.

On motion of Mr. Reyburn, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Clarke, the bill was referred to the committee on counties and county lines.

On motion of Mr. Mayfield, the vote taken yesterday on Mr. Poindexter's motion to lay the bill of the House, No. 107, to be entitled an act to define the boundary lines of the counties of Prairie, White, Jackson, St. Francis and Monroe, on the table indefinitely, was reconsidered.

On motion of Mr. Flanagin, the bill was referred to a select committee, consisting of Messrs. Flanagin, Wilson, Burke, Clarke and McCamy.

Mr. McCamy was called to the chair.

Mr. Hampton introduced a bill to be entitled an act to provide for the publication of a statement of the receipts and expenditures of public money, as required by the constitution.

Was read a first time, and ordered to a second reading on to-morrow.

Mr. President introduced a bill to be entitled an act to incorporate the Pine Bluff and Hot Spring Turnpike Company.

Which was read a first time.

On motion of Mr. President, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. President, referred to the committee on internal improvements.

Mr. Clarke, from a select committee made the following report:

Mr. President: The select committee to whom was referred the House bill No. 125, entitled an act to provide for the erection of a monument to Col. Yell and his comrades, as amended by the Senate, have had the same under consideration, and recommend that the words "also Capt. John S. Ficklin and his companions, who died on the western frontier," be stricken out; and also recommend that it be amended by an additional section. All of which is most respectfully submitted.

CLARKE.

Sec. 3. *Be it further enacted*, That the names of all the officers and men of said regiment, who were killed in battle, as well as those who died whilst serving in the campaign, with their appropriate ranks be inscribed on said monument.

Which report was read and adopted, and the bill read a third time, as amended, and passed.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: The committee on enrolled bills have examined a resolution instructing the committee on Auditor's and Treasurer's books, to direct the registration of all Treasury Warrants redeemed by the Treasurer up to the 30th day of September, 1848, in a book and cause the warrants to be burnt, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr. Flanagin introduced a bill to be entitled an act to alter the law in relation to punishment.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the bill was referred to the committee on the judiciary.

Mr. President resumed the chair.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, a joint resolution instructing the committee on Auditor's and Treasurer's Books, to direct the registration of all Treasury warrants redeemed up to the 30th day of September, 1848, in a book, and cause the warrants to redeemed to be burnt.

MITCHELL, *Chairman.*

On motion of Mr. Watkins, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Saturday, December 23, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate, the roll being called, 18 senators answered to their names.

The journal of yesterday was read and approved.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have passed the following bill, to be entitled an act to declare Currant river, in Randolph county, a navigable stream.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the city of Camden, approved, 1846.

Which is herewith transmitted for the assent of the Senate.

The house have assented to Senate bill, No. 41, of an act to grant a charter to Joseph Kniffin, for the purpose of erecting and building a bridge across Little Red river, in White county, Arkansas, with an amendment thereto.

To which the concurrence of the Senate is respectfully asked.

Also, Senate bill, No. 64, entitled an act to authorize Alfred Wallace to build a mill-dam across War Eagle.

Also, Senate bill, No. 62, entitled an act to constitute Jacob D. Rogers and Isabella J. Moore, of the county of Johnson, State of Arkansas, the legal heirs of Jacob Rogers.

Also, Senate bill, No. 73, entitled an act to divide the 17th regiment of Arkansas militia.

The House have concurred in the resolution of the Senate instructing the committee on the Penitentiary, to ascertain the terms upon which the Penitentiary can be leased to George Brodie, Esq., &c.

All of which are herewith returned.

The house have adopted the following resolution:

Resolved, That his excellency, the Governor, be requested to [illegible]tain, the Hon. William K. Sebastian, as a counsel for the State [illegible] Arkansas, to represent her in the various cases, pending in the Supreme Court of the United States, in which she is either a party, and directly interested in the result, and that the Senate be asked to concur herein.

Which is herewith transmitted for the concurrence of the Senate.

The House have concurred in the amendment of the Senate to House bill, No. 74, entitled an act for the relief of the settlers upon the 500,000 acre grant, within the De Bastrop claim.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Clarke, from the committee on Counties and County Lines, made the following report:

Mr. President: The committee on counties and county lines, to whom was referred the House bill, No. 132, entitled an act to alter and change the lines between the counties of Hot Springs and Montgomery, have considered the same, and instructed me to report back, with the accompanying amendment, and recommend its passage.

CLARKE.

Strike out "township 4 range 21," and insert "Montgomery county."

Which report was read and adopted.

The bill, as amended, was read a third time and passed; and returned to the House of Representatives.

Mr. Watkins, from the committee on memorials, made the following report:

Mr. President: The memorial of the trustees of Oakland College, in the State of Mississippi, praying the General Assembly of the State of Arkansas, to pass an act exempting from taxation, certain lands lying in the State of Arkansas, and belonging to the institution intrusted to their care, was referred to the committee on memorials, who have instructed me to report that in the opinion of the committee, it is inexpedient to pass such an act; that the legislature have continually refused to grant similar, though smaller favors to institutions in our own State; and notwithstanding the deep solicitude we feel for the success of the College at Oakland, in particular, as well as all others of a similar character, whether in our own or other States. Your committee believes that the passage of special acts of this character, extending exclusive privileges to either individuals or corporations, would redound more to the injury of our commonwealth, than to promote the interest of the objects of our favor.

Respectfully submitted,
J. D. WATKINS, *Chairman.*

Which report was read and adopted.

Mr. Hampton, from the committee on internal improvements, made the following report:

Mr. President: The committee on internal improvements, to whom was referred the bill entitled an act to incorporate the Pine Bluff and Hot Spring Turnpike Company, have instructed me to report the bill back, amended, by inserting the words, "except Saline river," after the word "streams," in the last line of section 26, and recommend its passage.

HAMPTON, *Chairman.*

Which report was read and adopted.

The bill, as amended, was read a third time and passed.

Mr. McCamy, from the committee on education, made the following report:

Mr. President: The committee on education, to whom was referred the bill to be entitled an act to divide the sale of the saline lands, have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendment: Strike out the 8th section, and insert the following, in lieu of the 8th section, and recommend the passage of the bill, with said amendment.

Sec. 8. The treasurer shall make an annual division of the proceeds of said sales among the several counties in this State, according to the number of free white children in each, over the age of 10 years and under that of 21, by referrence to the census then last taken; taking into consideration the amount distributed to each county at all former divisions, and so dividing that the total amount of this fund in each county, shall be kept equal to the ratio of free white children therein. And he shall pay over the amount due to each county, to the county treasurer thereof, for the use and benefit of common schools in his county; and the county treasurer's of the several counties shall, in every respect, receive, receipt for, and dispose of the same, according to the provisions of an act passed at the present General Assembly, entitled an act to divide the seminary fund, and to establish common schools.

McCAMY, *Chairman.*

Which report was read and adopted.

Mr. Flanagin moved that the Senate resolve itself into a committee of the whole on the bill.

Which motion was lost.

On motion of Mr. Poindexter, the bill, as amended, was laid on the table for the present.

The message from the House of Representatives, was taken up and read.

Mr. Gould introduced a bill to be entitled an act to facilitate the liquidation of the Bank of the State of Arkansas.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. McClain, the bill was referred to the committee of the whole, and made the order of the day for Tuesday next.

Mr. Gould moved that 100 copies be printed.

Upon which motion, Mr. Clarke called for the yeas and nays; which being ordered, were yeas 16, nays 4.

Yeas, Messrs. Black, Burke, Flanagin, Gould, Hampton, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Watkins, Wilson, and Mr. President—16.

Nays, Messrs. Chism, Clarke, Dickson, and Mayfield—4.

So the bill was ordered to be printed.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act to lessen the expenses of printing the Supreme Court Reports, and to provide for the distribution of them to the clerks in a more convenient form.

Also, an act for the relief of F. W. Trapnall.

Which are herewith transmitted for the assent of the Senate.

The House has assented to Senate bill, No. 79, entitled an act for the relief of William B. Borden, late sheriff of Pulaski county.

Also, to Senate bill, No. 28, entitled an act concerning the printing of the Governor's message and accompanying documents.

With an amendment thereto, in which the concurrence of the Senate is respectfully asked.

Also, Senate bill, No. 67, to be entitled an act for the relief of certain citizens of the county of Monroe.

With an amendment there, in which the concurrence of the Senate is respectfully asked.

All of which are herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The amendment of the House to the bill of the Senate, entitled an act to grant a charter to Joseph Kniffin, for the purpose of erecting and building a toll-bridge across Little Red river, in White county, Arkansas, was concurred in by the Senate.

House bill, No. 149, to be entitled an act to declare Currant river, in Randolph county, a navigable stream.

Was read a first time.

On motion of Mr. Black, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Black, the bill was referred to the committee on internal improvements.

House bill, No. 119, to be entitled an act to amend an act to incorporate, the city of Camden, approved Dec. 7, 1846.

Was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the rules of the Senate were dispensed with, the bill read a third time and passed.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the amendment of the Senate to House bill No. 132, entitled an act to alter an change the line between the counties of Hot Spring and Montgomery.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature, an act fixing the time of holding the elections for Electors for President and Vice President of the United States.

Also, an act to enforce the punishment of offences within the jurisdiction of justices of the peace.

Also, an act to empower presiding Judges of the county courts to approve collector's bonds in vacation.

Also, a memorial to the Congress of the United States, upon the subject of remunerating the soldiers who served in the Creek, Florida, and Black Hawk wars, equal to those who served in the late Mexican war.

Also, a joint resolution authorizing the Governor to enter a release of the decree rendered in the Pulaski circuit court, against John Pope, in the name of the State of Arkansas, and rendered against Jno. W. Cocke, as his executor.

Also, a memorial to the Congress of the United States, asking a grant of five sections of land, in the vicinity of Clarksville, in Johnson county, for the use of the blind, &c.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The resolution from the House of Representatives requesting the Governor to retain the Hon. Wm. K. Sebastian, as counsel for the State of Arkansas, to represent her in the various cases pending in the Supreme Court of the United States, in which she is either a party, or directly interested in the result.

Was read a first time.

On motion of Mr. Wilson, the rules of the Senate were dispensed with and the resolution read a second time.

And on further motion of Mr. Wilson, the rules of the Senate were dispensed with, the resolution read a third time and adopted.

On motion of Mr. Gould, the resolution was laid on the table for the present.

Mr. Mitchell was called to the chair.

The amendment of the House to the bill of the Senate, to be entitled an act concerning the printing of the Governor's message and accompanying documents.

Was read.

Mr. Williamson moved that the Senate concur in the amendment.

Which motion was lost.

The amendment of the House to the bill of the Senate, entitled an act for the relief of certain citizens of Monroe county.

Was read, and on motion of Mr. President, concurred in by the Senate.

Mr. President resumed the chair.

House bill, No. 137, to be entitled an act to lessen the expense of printing the Supreme Court Reports, and to provide for the distribution of them to the clerks, in a more durable and convenient form.

Which was read a first time, and ordered to a second reading on Tuesday next.

House bill, No. 147, to be entitled an act for the relief of F. W. Trapnall.

Which was read a first time.

On motion of Mr. Wilson, the rules of the Senate were dispensed with, and the resolutions read a second time.

On motion of Mr. Hampton, the bill was referred to the committee on the Judiciary.

Senate bill, No. 90, to be entitled an act to provide for the publication of a statement of the receipts and expenditures of public money, as required by the constitution.

Was read a second time, and ordered to a third reading on Tuesday next.

Senate bill, No. 85, to be entitled an act to repeal sections 15 and 16 of chapter 61, of the Digest of the Statutes, under the head of Elections.

Was read a third time.

The question being on the final passage of the bill, Mr. Poindexter called for the yeas and nays, which being ordered, were yeas 16, nays 4.

Yeas, Messrs. Black, Chism, Clarke, Gould, Mayfield, McCamy, McClain, Mitchell, Poindexter, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—16.

Nays, Messrs. Burke, Dickson, Flanagin, and Hampton—4.

So the bill was passed.

Mr. Dickson, from a select committee, made the following report:

Mr. President: The select committee to whom was referred Senate bill, No. 66, entitled an act to pay the Benton county militia, and accompanying documents, have had the same under consideration, and have instructed me to report the accompanying bill as a substitute, and recommend its passage.

The bill accompanying the report as a substitute, to be entitled an act to pay the Benton county militia, called into service by Col. Wm. R. Ogden, in the month of July, 1816.

Which was read a first time, and ordered to a second reading on Tuesday next.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have passed, without amendment, Senate bill, No. 17, entitled an act to provide for the payment of costs accruing in the State prosecutions, in offences committed in or in respect to of the Jail and Penitentiary house of this State.

Which is herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Chism, the resolutions introduced by him on the 21st inst., on the subject of Democratic principles, were taken up and read a third time.

Mr. McCamy was called to the chair.

Mr. Poindexter offered the following amendment to the resolutions:

Resolved, That we highly approve the policy pursued by our present Chief Magistrate, James K. Polk, in the administration of our public affairs, by carrying out the democratic doctrine, to the victors belong the spoils, and especially for explaining and sustaining the principles contained in one of the most important resolutions of the Democratic Platform, by signing a law with the Wilmot proviso attached.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a joint resolution instructing the committee on Auditor's and Treasurer's Books, to have all the scrip redeemed up to the 30th September, burned.

Mr. Gould introduced the following, as a substitute for the original resolutions, and amendment thereto. offered by Mr. Poindexter.

Resolved by the General Assembly of the State of Arkansas, That we regard the result of the recent Presidential election as fraught with possible disaster to the Union; but the temporary success of the opponents of democracy, can in no degree abate the ardor with which we have met the conflict in other and brighter days, and maintained the doctrines which form our political safe-guard.

2. That in peace and in war, the efficiency of the principles we advocate; to foster and sustain our institutions in all their purity and prosperity, has been tested before enemies at home and foes

abroad, and the history of the Union is embellished with many a page which records the wisdom of democratic policy.

3. That the same spirit which dictated the purchase of Louisiana, has guided President Polk, in the further acquisition of territory, and that the time will soon come when the glory awarded to the consummate statesmanship which accomplish the one, will be generously lavished upon the other.

4. That in our relations with Mexico and other foreign powers, whether hostile or diplomatic, the President has acted wisely and becoming the chief magistrate of an independent people, and that the proud position he has won for his country, claims for him the highest honors we can bestow, the warmest admiration we can feel.

5. That his administration presents to us plainly the land marks of true democratic faith.

6. That our Senators be instructed and our Member in Congress be requested to support practically the doctrines so laid down, and oppose every measure which may be in controvention of such measures.

7. That we tender to the President, so soon to retire to private life, our best wishes for his health, happiness, and prosperity.

Which were read.

Mr. Gould moved their adoption, in lieu of the original resolutions, and called for the previous question.

The question, shall the main question be now put, was stated from the chair.

Upon which motion, Mr. Gould, called for the yeas and nays; which being ordered, were yeas 6, nays 12.

Yeas, Messrs. Black, Gould, Hampton, Mayfield, Watkins, and Williamson—6.

Nays, Messrs. Burke, Chism, Clarke, Dickson, Flanagin, McCamy, McClain, Mitchell, Poindexter, Simpson, Underhill, and Wilson—12.

So the previous question was not sustained.

Mr. Hampton moved to lay the original resolutions, the amendment thereto, and the substitute on the table until Tuesday next.

Which motion was lost.

Mr. Gould then withdrew his substitute.

The amendment offered by Mr. Poindexter was read.

Mr. Poindexter moved its adoption, and called for the yeas and nays.

Mr. President moved to amend the amendment offered by Mr. Poindexter, by striking out all after the word "doctrine," in the 5th line.

Which motion prevailed; and the amendment adopted.

The question was then taken on the adoption of the resolutions, as amended, and they were adopted.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have concurred in the several amendments of the Senate to House bill, No. 104, entitled an act to distribute the proceeds of the 500,000 acres of land, donated to the State of Arkansas for internal improvements.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President: I present for your honor's signature an act for the relief of the settlers upon the 500,000 acre grant, within the bounds of the De Bastrop claim.

Also, an act entitled an act to carry into effect the nuncupative will of Hastings Marks, late a citizen of Bradley county, in this State.

Also, a joint resolution declaring that it is inexpedient that the memorials and resolutions passed by the General Assembly, instructing our delegation in Congress, &c., should be printed with the Acts.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Underhill moved that the Senate adjourn until Tuesday morning, 10 o'clock.

Upon which motion, Mr. Hampton called for the yeas and nays, which being ordered, were yeas 12, nays 7.

Yeas, Messrs. Black, Burke, Clarke, Flanagin, Dickson, McCamy, McClain, Mitchell, Poindexter, Underhill, Wilson, and Mr. President—12.

Nays, Messrs. Chism, Gould, Hampton, Mayfield, Simpson, Watkins, and Williamson—7.

So the Senate adjourned until Tuesday morning, 26th Dec., at 10 o'clock.

R. C. BYRD, *President*
of the Senate.

Tuesday, December 26, 1848

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 17 senators answered to their names.

The journal of Saturday was read and approved.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: the committee on Enrolled bills have examined an act to provide for the payments of costs accruing in the State prosecutions, &c.

Also, an act to exempt certain citizens of Monroe county from serving as jurors.

Also, an act for the relief of Wm. B. Borden, late sheriff of Pulaski county.

Also, an act to divide the 17th regiment of Arkansas militia.

Also, an act to authorize Alfred Wallace to build a mill dam across War Eagle river, in Washington county.

Also, an act to grant a charter to Joseph Kniffin, for the purpose of erecting and building a toll bridge across Little Red River, in White county, Arkansas.

Also, an act to constitute Jacob L. Rogers and Isabella J. Moore, of the county of Johnson, the legal heirs of Jacob Rogers, and find the same to be correctly enrolled.

MITCHELL, *Chairman.*

Mr. Chism introduced the following resolution:

Joint resolution proposing an amendment to the Constitution of the State.

Resolved by the General Assembly of the State of Arkansas, That the following amendment to the Constitution of the State be, and the same is hereby proposed:

All persons who are indebted to the Bank of the State of Arkansas, or either of its branches; or to the Real Estate Bank, or either of its branches, and who refuse to pay the same, and fraudulently convey and cover up their property, so that such debt cannot be made by law, shall be disqualified from holding any office of profit or trust under the Constitution or laws of this State.

Which was read, and on motion of Mr. McClain, laid on the table for the present.

Mr. Poindexter, from a select committee, made the following report:

Mr. President: The majority of the select committee to whom was referred Senate bill, for the relief of H. S. Hudspeth and others, have instructed me report the same back without amendment and recommend its passage.

POINDEXTER, *one of com.*

Which was read.

The question being on its adoption, Mr. Gould called for the yeas and nays, which being ordered were yeas 8, nays 13.

Yeas, Messrs. Black, Clarke, Dickson, Gould, Hampton, Poindexter, Watkins, and Mr. President—8.

Nays, Messrs. Austell, Burke, Chism, Flanagin, Mayfield, Mc-

Camy, McClain, Mitchell, Shaw, Simpson, Underhill, Williamson, and Wilson—13.

So the motion was not adopted.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body, that the Hall of the House of Representatives have passed a bill to be entitled an act for the relief of Prairie county.

Also, an act for the relief of Jno. W. Jones, late sheriff and collector of Pope county.

Which is herewith transmitted for the assent of the Senate.

The House have assented to Senate bill No. 39, to be entitled an act concerning the duties of county courts, and clerks thereof.

Also, to Senate bill 79, to be entitled an act to empower the county court of the county of Mississippi to appoint trustees for T. 10 N., R. 10 E.

All ot which are herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk.

Mr. President: I have the honor to present for your honor's signature an act for the distribution of the proceeds arising from the 500,000 acres of land donated to the State of Arkansas for internal improvements.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. McClain introduced a bill to be entitled an act for the benefit of Thomas Maddin, administrator of the estate of James Maddin, dec'd, late of Pope county.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. McClain, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Chism introduced a bill to be entitled an act to repeal the law fixing a minimun value on lands, as a basis of taxation.

Which was read a first time.

Mr. Chism moved to dispense with the rules, and read the bill a second time.

Which motion was lost, and the bill ordered to a second reading on to-morrow.

Mr. Gould introducted a bill to be entitled an act to regulate the duties of the Secretary of State.

Was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time, and ordered to a third reading on to-morrow.

Mr. Gould introduced a bill to be entitled an act to amend an act to establish a system of common schools in the State of Arkansas.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Gould, the bill was referred to the committee on education.

The message from the House of Representatives, received on Friday last, was taken up and read.

Mr. Gould was called to the chair.

House bill No. 43, to be entitled an act for the relief of Prairie county.,

Was read a first time.

On motion of Mr. Wilson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Wilson, the bill was referred to the committee on the judiciary.

House bill No. 156, to be entitled an act for the relief of John W. Jones, late sheriff and collector of Pope county.

Was read a first time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Underhill, the bill was referred to the committee on the judiciary.

Senate bill No. 90, to be entitled an act to provide for the publication of a statement of the receipts and expenditures of the public money, as required by the constitution.

Was read a third time and passed.

House bill No. 137, to be entitled an act to lessen the expense of printing the Supreme Court Reports, and to provide for the distribution of them, to the clerks, in a more durable and convenient form.

Was read a second time and ordered to a third reading on tomorrow.

Senate bill No. 66, to be entitled an act to pay the Benton county militia, called into service by Col. Wm. R. Ogden, in the month of July, 1846.

Was read a second time.

On motion of Mr. Dickson, the rules of the Senate were dispensed with, and the bill read a third time and passed.

On motion of Mr. Poindexter, the Senate resolved itself into committee of the whole on Senate bill No. 93, to be entitled an act to facilitate the liquidation of the Bank of the State of Arkansas.

Mr. Poindexter in the chair.

After sometime spent therein the committee arose, and through their chairman reported the bill back to the Senate with the following amendments, and asked to be discharged from the further consideration of the same:

Strike out "four attorneys," in the 3rd section of the bill, and insert "and an attorney for each judicial circuit of this State.

Amend 4th section by striking out all after 'and' in the 3rd line, to 'and' in the 6th line, and insert 'the same shall be paid out of the funds collected or funds of equal value.'

Sec. 11. *And be it further enacted*, That in any suit which is or may be instituted by the bank, the bank shall not be ruled to security for costst, but the State shall be liable to pay costs rendered against said bank.

Sec. 12. There shall no bills of the State Bank or State Bonds of this State be sold at any sacrifice in order to raise par funds under any pretence whatever, by the officers of the bank, or the officers of the State government.

On motion of Mr. Gould, the bill and amendment was laid on the table for the present.

Mr. McClain introduced, on leave, a bill to be entitled an act to compensate E. Cummins for professional services rendered the State.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Clarke, the bill was referred to the committee on the judiciary.

Mr. Clarke introduced, on leave, a bill to be entitled an act to amend an act to incorporate the town of Van Buren.

Was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. McClain, the rules of the Senate were dispensed with, the resolution read a third time and concurred in by the Senate.

Mr. Clarke, from the committee on counties and county lines, made the following report:

Mr. President: The committee on counties and county lines, to whom was referred certain petitions of citizens of Marion, Newton and Carroll counties, and for the formation of a new county.

Also, a remonstrance from certain other citizens of Carroll county on the same subjects, have had the same under consideration, and have instructed me to report that it is inexpedient to alter the lines of said counties, and that there is not the necessary quantity of territory to erect a separate county.

Respectfully submitted.

CLARKE, *Chairman*.

Which report was read and adopted.

Mr. Flanagin, on leave, introduced a bill to be entitled an act to amend the revenue laws of this State.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the bill was referred to the committee on ways and means.

Mr. Mayfield, on leave, introduced a bill to be entitled an act in relation to school commissioners, and for other purposes.

Which was read a first time.

On motion of Mr. Mayfield, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Mayfield, the bill was referred to the committee on education.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled an act to change the line between the counties of Prairie and Pulaski.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

House bill No. 159, to be entitled an act to change the lines between the counties of Prairie and Pulaski.

Was read a first time.

On motion of Mr. Wilson, the rules the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Wilson, the bill was referred to the committee on counties and county lines.

On motion of Mr. Clarke, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Wednesday, December 27, 1848.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 18 Senators answered to their names.

The journal of yesterday was read and approved.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day examined an act to empower the county court of the county of Mississippi to appoint the trustees for township 10 north, range 10 east.

Also, an act concerning the duties of county courts and clerks thereof, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr. Clarke, from the committee on counties and county lines, made the following report:

Mr. President: The committee on counties and county lines, to whom was referred the House bill No. 159, entitled an act to change the lines between the counties of Prairie and Pulaski, have had the same under consideration, and have instructed me to report the same, without amendment, and recommend its passage.

CLARKE, *Chairman.*

Which report was read and adopted, and the bill accompanying it read a third time and passed.

Mr. Austell, from the committee on the judiciary, made the following report:

Mr. President: The judiciary committee to whom was referred the bill for the relief of John W. Jones, late sheriff of Pope county, have instructed me to report the bill back, amended, by adding the following proviso to sec. 1:

Provided, That the relief extended by this act to John W. Jones be, and the same is hereby extended to all other sheriffs and late sheriffs of this State, and recommend its passage.

S. L. AUSTELL.

Which report was read and adopted, and the bill, as amended, read a third time and passed.

Message from the House of Representatives by the clerk.

Mr. President: I have the honor to present for your honor's signature an act to change the line between the counties of Hot Spring and Montgomery.

Also, an act to amend an act entitled an act to incorporate the city of Camden, approved Dec. 7, 1846.

Also, an act for the incorporation of the town of Benton, Saline county, Arkansas.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Austell introduced a bill to be entitled an act to change the time of holding the county and probate court of St. Francis county.

Which was read a first time.

On motion of Mr. Austell, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Austell, the rules of the Senate were again dispensed with, the bill read a third time and passed; and transmitted to the House of Representatives for their assent.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have adopted the following following resolution:

Resolved, That the two Houses meet in convention on Saturday the 6th day of January, 1849, at 11 o'clock, A. M., for the purpose of electing State Treasurer, State Auditor, Secretary of State, and Land Agent; in which the concurrence of the Senate is respectfully asked.

The House have passed a bill to be entitled an act to empower the sheriffs of St. Francis and Franklin counties, to collect all arrearages of taxes due them.

Which is herewith transmitted for the concurrence of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The resolution accompanying the message, fixing Saturday, 6th January next to go into elections of State officers, was read.

Mr. Hampton offered to said resolution, the followidg amendment:

Resolved further, That this General Assembly will adjourn *sine die*, on Monday the 8th day of January, A. D. 1849.

On motion of Mr. Poindexter, the resolution and amendment, were laid on the table for the present.

House bill No. 162, to be entitled an act to empower the late sheriffs of St. Francis and Franklin counties to collect the arrearages of taxes due them.

Was read a first time, and on motion of Mr. Williamson, it was laid on the table for the present.

House bill No. 137, to be entitled an act to lessen the expense of printing the Supreme Court Reports, and to provide for the distribution of them to the clerks in more durable and convenient form.

Was read a third time, and on motion of Mr. Flanagin, laid on the table indefinitely.

Senate bill No. 98, to be entitled an act to regulate the duties of the Secretaty of State.

Was read a first time.

Mr. McClain moved to amend the first section of the bill by striking out the words, 'immediately upon the adjournment of each General Assembly,' in the 5th and 6th lines, and the words 'and shall proceed to copy the journals of each house and deliver an authenticated copy thereof to the Public Printer,' in the 10th, 11th, 12th and 13th lines.

Which motion was lost.

Mr. Gould offered the following amendment as an additional section;

Sec. —. *Be it further enacted,* That the Secretary of State shall receive an annual salary of one thousand dollars in full of all services required of him by law, as Secretary of State and as commissioner of public buildings, except such fees as are expressly allowed by law.

Which was read, and the question taken on its adoption; it was lost.

The bill was then passed.

Mr. Gould moved to reconsider the vote taken on the final passage of the bill; which motion prevailed.

On motion of Mr. Gould, the vote taken on the motion of Mr. McClain, to strike out part of the first section of the bill, was reconsided.

Mr. Gould offered the following amendment, as an additional section to the bill:

Sec. —. *Be it further enacted,* That the Secretary of State shall receive an annual salary of ———————— dollars, in full for all services required of him as Secretary of State, and as commissioner of public buildings, except such fees as are expressly allowed by law.

Which amendment was read and adopted.

On motion of Mr. Flanagin, the blank in the second line of the amendment was filled with one thousand.

Mr. McClain renewed his motion to strike out the words 'immediately upon the adjournment of each General Assembly,' in the 5th and 6th lines; and the words 'and shall proceed to copy the journals of each house and deliver an authenticated copy thereof to the public printer,' in the 10th, 11th, 12th and 13th lines, of the first section.

Which motion prevailed.

On motion of Mr. Flanagin, the 6th section of the bill was stricken out, and the bill, as amended, passed.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The standing committee on the judiciary to whom was referred House bill entitled an act for the relief of F. W. Trapnall, have instructed me to report the same back and recommend its passage.

J. GOULD.

Which report was read and adopted.

The bill accompanying the report to be entitled an act for the relief of F. W. Trapnall, was read a third time, and the question being on its final passage, Mr. Shaw called for the yeas and nays, which being ordered, were yeas 14, nays 7.

Yeas, Messrs. Black, Burke, Chism, Flanagin, Gould, Hampton, McClain, Mitchell, Poindexter, Reyburn, Underhill, Watkins, Wilson, and Mr. President—14.

Nays, Messrs. Austell, Dickson, Mayfield, McCamy, Shaw, Simpson, and Williamson—7.

So the bill was passed.

Mr. Gould, from the judiciary committee, made the following report:

Mr. President: The committee on the judiciary to whom was referred House bill entitled an act te incorporate the South-western and Arkansas Mining Company, have instructed me to report the same, with the following amendments:

In the 3d line of 12th sec. strike out 'fifty' and insert 'twenty-five'; and add the two following sections:

Sec. —. *Be it further enacted*, That the corporation created by this act shall not exercise any banking powers, nor issue any note, ticket, or evidence of debt to be used and circulated as money.

Sec. —. *Be it further enacted*, That if said corporation shall suffer any judgment against it to remain unpaid for two years after final judgment, such failure shall work a forfeiture of this charter, except such judgment be supereeded or enjoined.

J. GOULD.

Which report was read and adopted.

The bill, as amended, read a third time and passed.

Senate bill, No. 97, to be entitled an act to repeal the law fixing the minimum value on lands, as a basis of taxation.

Was read a second time.

On motion of Mr. Williamson, it was referred to the committee on ways and means.

Mr. McCamy was called to the chair.

On motion of Mr. Gould, Senate bill, No. 93, to be entitled an act to facilitate the liquidation of the Bank of the State of Arkansas, and the report of the committee of the whole, were taken up.

The amendment of the committee of the whole, made on yesterday, to the bill, was read and adopted by the Senate.

Mr. Gould offered the following amendment, as an additional section to the bill:

Sec. 13. *Be it further enacted*, That at the end of each month, the Financial Receiver and State Treasurer shall count, register, and publicly burn all the notes of the State Bank and Branches, in the possession of the Financial Receiver, except what may be necessary to pay the Attorneys for collecting.

Which amendment was read and adopted.

Mr. Watkins moved to amend the 4th section of the bill by striking ont the amendment made to it in committee of the whole; also, the word "ten," in the 6th line of said section, and insert in lieu thereof, the words striken out by the committee of the whole; and 2½ instead of the "ten."

Which motion was lost.

Mr. Black moved to amend the 1st section of the bill, by striking out "five," and inserting "four."

Which motion prevailed.

Mr. Flanagin moved to amend the 1st section by adding, after the words $400, the words and all necessary expenses.

Pending which question, Mr. Chism moved to reconsider the vote taken on the adoption of the amendment offered by Mr. Black.

Which motion prevailed.

The question then being on the adoption of the amendment offered by Mr. Black—Mr. Black called for the yeas and nays, which being ordered, were yeas 6, nays 16.

Yeas, Messrs. Black, Mayfield, Mitchell, Shaw, Simpson, and Watkins—6.

Nays, Messrs. Austell, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, McCamy, McClain, Poindexter, Reyburn, Underhill, Williamson, Wilson, and Mr. President—16.

So the amendment was lost.

The bill, as amended, was read a third time and passed.

Mr. President resumed the chair.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred an act supplementary and amendatory to the several acts, relative to the corporation of the Little Rock Bridge Company, have had the same under consideration, and have instructed my to report that they recommend that sections 3 and 4 be stricken out, and that the bill pass.

H. FLANAGIN, *Chairman.*

Which was read and adopted.

Mr. Hampton offered the following amendment, as an additional section:

Sec. —. *Be it further enacted*, That when any one of the bridges belonging to said company, shall be carried away by flood or otherwise, the said company may use a ferry for the accommodation of the public, until said company shall re-build said bridge; provided, said company shall re-build said bridge within eighteen months, from the time of its destruction.

Which amendment was read, and the question taken on its adoption, it was lost.

The bill, as amended, by the committee on the judiciary, was read a third time and passed.

Mr. Watkins, on leave, introduced a bill to be entitled an act to extend the time of opening books of subscription for stock in the Batesville and St. Francis Turpike Company, and for other purposes.

Which was read a first time.

On motion of Mr. Watkins, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Watkins, the rules of the Senate were again dispensed with, the bill read a third time and passed.

Mr. Chism introduced a bill to be entitled an act regulating the practice of physic and surgery.

Which was read a first time.

Mr. Chism moved to dispense with the rules of the Senate, and read the bill a second time; which motion was lost, and the bill ordered to a third reading on to-morrow.

On motion of Mr. Simpson, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Thursday, Dec. 28, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hunter.

Mr. President ordered a call of the Senate; the roll being called 18 Senators answered to their names.

The Journal of yesterday was read and approved.

Mr. McClain presented a petition, signed by 38 citizen of Johnson county, asking the General Assembly to pass an act divorcing John W. Porter from Eliza Jane Porter, his wife.

Which was read.

On motion of Mr. McClain, was referred to the committee on the Judiciary.

On motion of Mr. Wilson, Mr. Poindexter was added to the committee on counties and county lines, in place of Mr. Rector, who is absent on leave.

On motion of Mr. Williamson, the vote taken on the passage of the bill of the Senate, on yesterday, to be entitled an act to regulate the duties of the Secretary of State, was reconsidered.

Mr. Williamson offered the following amendment to the bill, as an additional section:

Sec. 7. *Be it further enacted*, That the act allow to the Secretary of State $200 per annum for clerk hire in his office, approved, Jan. 9, 1848, be and the same is hereby repealed.

Which amendment was read and adopted.

The bill as amended, was read a third time and passed, and transmitted to the House of Represesentatives for their assent.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred House bill, entitled an act to repeal certain sections of chapter 94 of the Digest, under the head of Jurors, have instructed me to report the same back, with an amendment, and recommend its passage.

J. GOULD.

Mr. Hampton was called to the chair.

Which report was read and adopted.

The bill, as amended, was read a third time.

Mr. President moved to lay the bill on the table until the 4th day of July next, and called for the yeas and nays, which being ordered, were yeas 11, nays 7.

Yeas, Messrs. Burke, Clarke, Dickson, Hampton, Mayfield, Mitchell, Shaw, Underhill, Watkins, Wilson, and Mr. President—11.

Nays, Messrs. Flanagin, Gould, McCamy, McClain, Reyburn, Simpson, and Williamson—7.

So the motion to lay the bill on the table until the 4th day of July prevailed.

Mr. President resumed the chair.

Mr. Mitchell introduced a petition, signed by John Klepper, asking the General Assembly to pass an act to change the name of Juda Green, of the county of Carroll, in the State of Arkansas, to that of Julia Ann Klepper, and to constitute her his lawful heir.

Mr. Mitchell, at the same time, introduced a bill to be entitled an act to change the name of Juda Green, of the county of Carroll, in the State of Arkansas, to that of Julia Ann Klepper, and to constitute her the the lawful heir of John Klepper.

Which was read a first time.

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a third time and passed.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act to authorize the several counties in this State, to order and enforce the construction of Levies.

Also, a bill to be entitled an act to declare Big Bayou Metre navagible.

Also, a bill to be entitled an act to aid in the collection of debts due from certain residents of the Indian country.

Also, a bill to be entitled an act to exempt the counties of Van Buren and Conway from the operation of the 3d section of the

138th chapter of the late Revised Digest, under the head of County Revenue.

Also, a bill to be entitled an act to incorporate the Clarksville Institute.

Also, a bill to be entitled an to require Dallas county to pay a portion of the public debt of Clark county, existing at the time Dallas county was stricken off and erected from the territory of Clark county.

To which the concurrence of the Senate is respectfully asked.

The House have adopted a joint resolution in memorializing Congress upon the subject of remunerating the volunteers for lost horses, not provided for by Congress, in the war with Mexico.

Which are herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Chism introduced a bill to be entitled an act supplementary to an act passed at the present session of the General Assembly, for the purpose of distributing the internal improvement fund among the several counties of this State.

Was read a first time, and ordered to a second reading on tomorrow.

Senate bill, No. 106, to be entitled an act regulating the practice of physic and surgery.

Was read a second time.

Mr. Dickson moved to lay the bill on the table until the 1st day of April next, and called for the yeas and nays; which being ordered, were yeas 11, nays 10.

Yeas, Messrs. Black, Burke, Dickson, Mayfield, McCamy, McClain, Mitchell, Poindexter, Shaw, Simpson, and Williamson—11.

Nays, Messrs. Chism, Clarke, Flanagin, Gould, Hampton, Reyburn, Underhill, Watkins, Wilson, and Mr. President—10.

So the motion to lay the bill on the table prevailed.

Message from the House of Representatives by the clerk:

Mr. President—I have the honor to inform your honorable body, that the House of Representatives have assented to Senate bill, No. 70, entitled an act supplementary to the acts providing for the sale of the 500,000 acres of land, donated to the State of Arkansas, for the purpose of internal improvements.

Which is herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved and signed a bill entitled an act to empower the county court of Mississippi county to appoint trustees for township 10 north of Range 10 east.

Also, an act to exempt certain citizens of Monroe county from serving as jurors.

Also, an act for the relief of Wm. B. Borden, late sheriff of Pulaski county.

Also, an act to divide the 17th regiment of Arkansas militia.

Also, an act to authorize Alfred Wallace to build a mill dam across War Eagle river, in Washington county.

Also, an act to grant a charter to Joseph Kniffin, for the purpose of erecting and building a toll bridge across Little Red River, in White county, Arkansas.

Also, an act to constitute Jacob L. Rogers and Isabella J. Moore, of the county of Johnson, the legal heirs of Jacob Rogers, and find the same to be correctly enrolled.

Also, an act to provide for the payments of costs accruing in the State prosecutions, &c.

JNO. D. ADAMS, *Sec'y to the Gov.*

The message from the House of Representatives, was taken up and read.

House bill, No. 86, to be entitled an act to exempt Van Buren and Conway counties from the operation of the 3d section of the 138th chapter of the late Revised Statutes, under the head of County Revenue.

Was read a first time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Chism offered the following amendment, as an additional section:

Sec. 3. *Be it further enacted,* That the county of Scott shall be entitled to all the benefits of this act.

Which amendment was adopted.

Mr. Flanagin moved to amend by inserting after the words Scott the words and Clark.

Which motion prevailed.

The bill was read a third time, as amended, and passed.

Mr. Clarke, on leave, introduced the following preamble and resolution:

Whereas, I. J. Howard has been duly elected door-keeper, of the Senate, and is thereby the lawful door-keeper, and can at all times claim his office. And whereas, by divine dispensation, he has been rendered unable to perform the duties of said office; therefore,

Be it resolved, That the door-keeper of the Senate be, and is hereby authorized to employ an assistant to aid him in the performance of the duties of his office; and that ——— dollars per day be allowed said assistant for his services.

Which were read.

The question was taken on the adoption, and lost.

House bill, No. 130, to be entitled an act to incorporate the Clarksville Institute.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. McClain, the rules of the Senate were dispensed with, the bill read a third time and passed,

Mr. McCamy was called to the chair.

House bill, No. 158, to be entitled an act to authorize the several county courts of this State to order and enforce the construction of Levies.

Was read a first time.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Underhill, the bill was referred to the committee on internal improvements.

On motion of Mr. Gould, Mr. Poindexter was added to the committee on internal improvements.

Mr. Watkins, on leave, introduced a bill to be entitled an act respecting White river.

Which was read a first time.

On motion of Mr. Watkins, the rules of the Senate were dispensed with, and the bill read a second time.

And on motion of Mr. Clarke, the bill was referred to the committee on the Judiciary.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have assented to Senate bill, No. 55, entitled an act to divide the the State into judicial circuits; to provide for the election of Judges of the county and probate courts; of Prosecuting Attorneys; and to provide for the interchange of circuits.

With sundry amendments thereto, in which the concurrence of the Senate is respectfully asked.

Which is herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. President laid before the Senate the following memorial:

To the Senate and House of Representatives of the State of Arkansas:

The memorial of the subscribers respectfully represent to your honorable bodies, that they are holders of the bonds issued by your State, about the year 1838, payable about twenty to thirty years thereafter, with interest at six per cent., payable semi-annually—and for the due performance of which payments, the faith of the State was irrevocably pledged. These bonds, it is known to all parties interested therein, were expected to be provided for by the banks, to which they were issued by your State. But it was the plighted faith of the State, and it only, that enabled the banks to realize, as they did, the full value of those pledges and the full amount called for by them, and by the tenor of the bonds. The purchasers and the present holders of those bonds, have looked to the ability and to the honor of the State alone, for the return at the appointed time of the capital thus lent, and for the proper and regular payment of the instalments of interest. They have been disappointed in this, by a failure in the payments of interest since about the year 1841. They are fully aware that causes of disappointment then existed, of such a nature as to relieve the State from censure and reproach; though the effect was painful in the extreme; distressing to all, and ruinous to many of the holders of these bonds; but those days of darkness to the National industry, have passed off, and have been succeeded by others of liberal reward to all branches of industry; rending it, we respectfully, but confidently suggest, imperative on the honor and moral integrity of each of our sovereign republics, to accomplish their engagements and to remunerate their creditors; [illegible] the heavy burden that has been put upon them by suspension of payments, which several of them made during the gloomy pecuniary revulsion, which is past.

Your memorialists earnestly entreat that you will not fail at this session of your legislature, to make ample provision for the prompt payment of the interest now and hereafter to become due, or if it is supposed inconvenient to pay the whole interest now due, that a law should be passed to fund the interest now due, and provide for the regular payment hereafter of the interest on it and on the principal.

New York, 12th December, 1848.

F. PEUIT, *President.*
JOHN W. CORNELL, *Cashier,*
Of the Mechanics Banking Association of New York.
J. D. BEERS.
SILAS WOOD.
HARBEDE & CO.
D. D. WILLIAMSON, *President.*
R. K. DELAFIELD, *Secretary,*
Farmers Loan and Trust Company.
Pr. JNO. JAMES HOLFORD.
THOMAS DIXON.

Which was read, and on motion of Mr. President, referred to the committee on Banks.

House bill, No. 153. to be entitled an act to require Dallas county to pay a portion of the public debt of Clark county, existing at the time Dallas county was stricken off and erected from the territory of Clark county.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Gould, the bill was referred to the committee on counties and county lines.

House bill, No. 166, to be entitled an act to declare Big Bayou Metre navigable,

Was read a first time.

On motion of Mr. Wilson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Wilson, the bill was referred to the committee on internal improvements.

Mr. President resumed the chair.

The resolution from the House of Representatives instructing our Senators and requesting our Representative in Congress, to procure the passage of a law remunerating all persons who have lost their horses in the service of the United States, during the war with Mexico.

Which was read a first time and ordered to a second reading on to-morrow.

The amendments of the House to the bill of the Senate to be entitled an act to divide the State into judicial circuits; to provide for the election of Judges of the circuit court; of judges of the county and probate court; of Prosecuting Attorneys; and to provide for the interchange of circuits.

Were read; and on motion of Mr. Gould, they were concurred in by the Senate.

Mr. Flanagin, from a select committee, made the following report:

Mr. President: The select committee to whom was referred a bill entitled an act to alter and define the boundary lines of the counties of Prairie, White, Jackson, St. Francis, and Monroe, have had the same under consideration, and instructed me to report that upon an examination of the said bill, and the map of the counties affected; they find that the proposed alteration would leave St. Francis county without 900 square miles of territory; these facts having been communicated to the friends of the measure, they now suggest, and the committee recommend that a caption and two sections herewith reported, be substituted for the caption and sections 1 and 2 as they now stand in the origininal bill.

They also recommend that in order to meet said subtituted sections, amendments 1, 2, 3, 4, 5, 6, and 7, be adopted.

In relation to the merits of the bill, all that are interested, seem to favor all parts of it, except that portion of the bill ceding a portion of St. Francis county to Prairie county, which is objected to by a portion of the inhabitants of Prairie county.

Your committee have consulted the representative of Prairie county, and he gives it, as his opinion, that a majority of the people of that county. are in favor of the acquired territory, and the Senator who represents Prairie and Pulaski counties, is decidedly of the opinion that a majority of the citizens Prairie county, are opposed to the acquisition of the territory. As your committee differ as to these disputed facts, and as there is no probability of their coming to the same conclusion, they ask that the amendments aforesaid may be adopted, and they may be discharged from the further consideration of this subject.

H. FLANAGIN, *Chairman.*

A bill to be entitled an act to alter and define the boundary lines of the counties of Prairie, White, Jackson, and St. Francis.

Section 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all that tract of country which is embraced within the following boundaries, viz: beginning on the bayou Des Arc, at the place where the range line between ranges 5 and 6 crosses said bayou; thence running north on said range line, to the line between townships 5 and 6 north, to the ba[illegible]ine; thence east on said line, until the same intersects Cache rive[illegible]thence down said river Cache until the same intersects the line between townships 3 and 4 north; thence west on said line to White river be, and the same is hereby stricken off from the counties of St. Francis and White, and attached to the county of Prairie.

Sec. 2. *Be it further enacted,* That all that tract of country which is embraced withing the following boundaries, viz: beginning on White river, at the place where the line between townships 6 and seven north of the base line, crosses said river; thence down the channel of said river until it intersects the line between townships 5 and 6; thence east on said line, until the same intersects the river Cache; thence up the channel of the river Cache, until the same intersect the line between townships 6 and 7 north; thence west on said line to the place of beginning be, and the same is hereby stricken off from the county of St. Francis, and attached to, and made part of the county of Jackson.

1. Strike out section 3.

2. Strike out "and St. Francis," as it occurs in the 6th and 13th lines, in section 4.

3. Insert "and" before "[illegible]ackson," in the 6th and 13th lines in section 4.

4. Strike out "Monroe and Jackson," in the 4th line in sec. 5.
5. Insert "and" before "St. Francis,' in the 3d line of sec. 5.
6. Strike out "and St. Francis," in the 10th line of sec. 5.
7. Insert "and" after "Prairie," in the 10th line of sec. 5.

Which report was read.

On motion of Mr. Clarke, adopted.

On motion of Mr. Clarke, the bill and amendments were referred to the committee on counties and county lines.

On motion of Mr. Watkins, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Friday, December 22, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

The chair ordered a call of the Senate; the roll being called, 19 senators answered to their names.

The journal of yesterday was read and approved.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act for the relief of James Clark, late sheriff of Green county.

Which is herewith transmitted for the assent of the Senate.

The House have adopted the following:

Resolved, by this House, that we go into the election of Auditor, Treasurer, Secretary of State, and State Land Agent, on Saturday the 30th day of Dec., 1848, at 3 o'clock P. M., and that the Senate be respectfully asked to concur herein.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Hampton presented a petition signed by 38 members of the Cumberland Presbyterian Church of Union county, asking an act of incorporation for the 'Trustees of the Cumberland Presbyterian Church of St. Paul.

Which was read, and referred to the committee on memorials.

On motion of Mr. Wilson, Messrs. Poindexter and Burke, were added to the committee on the judiciary.

On motion of Mr. Burke, Mr. Poindexter added Mr. Underhill to the select committee, to whom was referred the bill of the House to be entitled an act for the relief of Westley Walker.

Mr. Hampton, from the committee on Auditor's and Treasurer's books, made the following report:

Mr. President: The joint committee on the Auditor's and Treasurer's books, have performed the duties assigned them; and respectfully present, as the result of their labors, the following

REPORT:

Having carefully examined the books and vouchers in the offices of State Auditor and Treasurer, and compared them with the tabular statements contained in the reports accompanying the Governor's message, at the opening of the present session of the General Assembly, we find them to be a correct exhibit of the receipts and expenditure incident to the administration of our State government; and we take pleasure in adding our testimony to that of other committees who have preceded us, as to the perfect order and system adopted in the arrangement of the books and vouchers in the office of the Auditor. It is also due to our present Treasurer to state, that he has performed the responsible duties imposed upon him with vigilance and fidelity.

The committee deem it a duty incumbent upon them, to direct the attention of the General Assembly, to various questions which have arisen, in the course of their examination: First, it will be recollected, that the last General Assembly, by act of 23d Dec., 1846, appropriated $1,200, to pay clerk hire in the Auditor's office. And it appears to the committee from the report of the Auditor and the vouchers on file in his office, that he had drawn upon the Treasurer, to pay clerk hire in his office, the sum of $1,791 35 for the two years, ending 30th Sept., 1848; which raised the question in committee whether or not the Auditor had the right to use, for clerk hire for the said two years, exceeding the $1,200 appropriated. Your committee are clearly of opinion that it was evidently not intended by the General Assembly when the appropriation of $1,200 was made to pay clerk hire in the Auditor's office, that he should use exceeding that amount, for the two years ending 30th Sept., 1848. It is due, however to the Auditor to state, that he is sustained, in his action in the premises, by the written opinion of the Attorney General, of date the 27th inst., which is herewith submitted.

Your committee would also call the attention of the General Assembly to various items which have found their way into the appropriation acts, as they presume, from the hasty and inconsiderate manner in which such acts have been passed, upon the eve of the final adjournment of the General Assembly. The first is the 22d item of the act of 23d Dec., 1846, making an appropriation to pay Land Officers and Auditor for lists of land, &c.

It will be seen by reference to chap. 23, sec. 9, item 10th of the Digest of the Statutes, that it is one of the general duties of the Auditor "to furnish to the proper officer in each county, in the month of January, annually a descriptive list of all taxable lands in such county, not before furnished," and while your committee can see, not only the propriety, but the actual necessity for an appropriation to pay the Registers in the various United States land offices within this State for furnishing the auditor with such lists, from time to time, yet they cannot perceive any just reason for an extraordinary allowance to the auditor for the performance of an ordinary duty. Your committee take the same view of the appropriation to pay the auditor for recording and arranging in township order, abstracts of taxable lands.

The committee would also state that in their examination of the vouchers, &c., in the auditor's office, it was ascertained that he had drawn upon the contingent fund to pay for the printing of deeds necessary under the act of Dec. 23d, 1840, and acts supplimentary thereto, and for the consummation of which deeds the auditor receives one dollar for each. The committee cannot perceive any just reason why the State should pay for printing such deeds.

Having carefully examined the books and vouchers in the auditor's office and those in the office of the treasurer, the committee proceeded to count the specie, in the custody of the treasurer, and find, belonging to the Internal Improvement Fund, the sum, on the

20th inst., of	$10,572 76¾
Belonging to the Seminary Fund,	6,583 94
" to counties and school commissioners,	177 80
Amount applicable to the redemption of treasury warrants,	3,194 06 5-6
Making an aggregate amount in specie in the treasury of	$20,528 57 7-12

The next duty entered upon was that imposed by a recent resolation of the General Assembly, directing the committee to cause the registration and burning of all treasury warrants heretofore redeemed; and the committee present the following synopsis of treasury warrants, registered and burnt, under said resolution, to-wit:

Amount redeemed by J. C. Martin, as treasurer, and left under seal by former committees.	$48,231 09
Amount redeemed by S. Adams, as treasurer, with specie, including amounts redeemed since 30th September, 1848,	89,383 47 1-6
Total amount of treasury warrants registered in a book, prepared for the purpose in the office of the treasurer, and burned by the committee,	$137,614 56 1-6

In consideration of the services rendered by Wm. H. Graham, Esq., in registering the redeemed treasury warrants, preparatory to burning the same, the committee would respectfully recommend an appropriation of fifty dollars, to pay Mr. Graham, for his services so rendered.

All of which is respectfully submitted.

JNO. R. HAMPTON, *Chairman.*

GEO. W. UNDERHILL,
JOHN WILLIAMSON,
JOHN B. DICKSON,
Committee on the part of the Senate.
H. C. DYE, *Chairman.*
J. THOMPSON,
J. HUDSON,
J. GAGE,
J. DODSON,
WM. GILMORE,
Committee on the part of the House of Representatives.

AUDITOR'S OFFICE, LITELE ROCK, ARK.,
December 27, 1848.

SIR: By the appropriation act, passed 10th Jan. 1845, there was appropriated, to pay clerk's hire in the Auditor's office,	$2,000 00
On the 1st Oct. 1846, a balance of this appropriation remained undrawn, amounting to	709 18
By the appropriation act approved 23d Dec. 1846, (see acts of 1846, p. 525,) there was appropriated, to pay clerk's hire in the auditor's office,	1,200 00
During the two years ending with the 30th Sept. 1848, warrants were drawn upon this appropriation, amounting to	1,791 35
Leaving undrawn, 1st Oct., 1848,	$117 83

Was the expenditures of the above amount of seventeen hundred and ninety-one dollars and thirty-five cents, for clerk hird in auditor's office, authorized by law? or, in other words, could the balance of the appropriation unexpended October 1846, after that time, be used? and from the fact that the appropriation, by act of 23d Dec., 1846, was but for $1200, could that in any way, forbid the use of the balance unexpended 1st Oct., 1846, as well as the $1200, if required for clerk hire, in the auditor's office.

Most respectfully, your ob't serv't.

ELIAS N. CONWAY,
Auditor of Ark.

GEO. C. WATKINS, Esq.
Attorney General of the State of Ark.

LITTLE ROCK, ARK.,
Dec. 27, 1848.

SIR: In response to the questions propounded on the first and second pages, I have to state as my opinion—that where an appropriation is made by law for any object, of which there remains an unexpended balance, and a new appropriation be made for the same object, the new appropriation is added to the unexpended balance, and is subject by law, to be drawn on for that object—in other words, unless the law making an appropriation, is repealed, or the unexpended balance otherwise appropriated, the appropriation must continue for the same object. Where an unexpended balance is not likely to be required for the object originally proposed, it would require an act of Assembly to change the appropriation, so as to divert that balance to some other object. I understand that new appropriations are, or ought to be made, with reference to the balance reported to be unexpended, for the same purpose. If the amount of the new, or last appropriation, is only subject to be drawn, it seems to me this practical difficulty would result, that, the auditor's books never would balance, but, on the contrary, would be incumbered with all the fragments of unexpended balances under former laws. My opinion is clear, that the unexpended balance of the appropriation for clerk hire, was as much subject to be drawn as the last appropriation for the same object.

Very respectfully yours,

G. C. WATKIS,

Acting Attorney General.

To E. N. Conway, Esq.
Auditor of Arkansas.
Little Rock, Ark.

Which report and accompanying documents were read, and the report adopted.

Mr. Clarke moved that 100 copies of the report and accompanying documents be printed.

On motion of Mr. Flanagin, the vote taken on the adoption of the report was reconsidered.

The question was then taken on Mr. Clarke's motion to print, and it prevailed.

Mr. Gould, from the judiciary committee, made the following report:

Mr. President: The committee on the judiciary to whom was was referred the petition of sundry citizens of Johnson county, praying for a divorce from the bonds of matrimony existing between John W. Porter and his wife, have instructed me to report the same back without action, as the constitution vests the power of granting divorces in the judiciary.

J. GOULD.

Which report was read and adopted.

Mr. McCamy introduced a bill to be entitled an act to allow the judge of the 4th judicial circuit $1,500 per annum.

Which was read a first time.

On motion of Mr. McCamy, the rules of the Senate were dispensed with, and the bill read a second time.

Ordered to a third reading on to-morrow.

On motion of Mr. Chism, the following resolution was taken up and read.

Joint resolution proposing an amendment to the Constitution of the State.

Resolved by the General Assembly of the State of Arkansas, That the following amendment to the Constitution of the State be, and the same is hereby proposed:

All persons who are indebted to the Bank of the State of Arkansas, or either of its branches; or to the Real Estate Bank, or either of its branches, and who refuse to pay the same, and fraudulently convey and cover up their property, so that such debts cannot be made by law, shall be disqualified from holding any office of profit or trust under the constitution or laws of this State.

The question being on ordering the resolution to a second reading on to-morrow; the yeas and nays were ordered, and were yeas 1, nays 19.

Yea, Mr. Chism—1.

Nays, Messrs. Austell, Black, Burke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—19.

So the resolution was lost.

House bill No. 165, to be entitled an act for the relief of James Clarke, sheriff of Green county.

Was read a first time.

On motion of Mr. Black, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Black moved to dispense with the rules of the Senate, and read the bill a third time.

Which motion prevailed.

On motion of Mr. Wilson, the bill was referred to the committee on the judiciary.

The resolution from the House of Representatives fixing Saturday the 30th inst. to go into the election of Auditor, Treasurer, Secretary of State and Land Agent.

Which was read a first time.

On motion of Mr. Gould, it was laid on the table for the present.

Senate bill No. 108, to be entitled an act supplementary to an act passed at the present session of the General Assembly for the purpose of distributing the internal improvement fund among the several counties of this State.

Was read a second time, and on motion of Mr. Chism, referred to the committee on internal improvement.

The resolution from the House of Representatives instructing our Senators, and requesting our Representative in Congress to procure the passage of a law, remunerating those who lost horses in the late war with Mexico.

Was read a second time and ordered to a third reading on to-morrow.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day examined an act to divide the State into judicial circuits to provide for the election of judges of the circuit court; of judges of the county and probate courts; of prosecuting attorneys, and to provide for interchange of circuits, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Mr. Gould introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That in order that the people may be fully advised of the approaching election of judges, the Governor be requested to cause, that the law dividing the State into judicial circuits, as well as his proclamation for holding such election be published in all the newspapers of this State until the election.

Was read a first time.

On motion of Mr. Gould, the rules of the Senate were dis-with and the resolution read a second time.

And on further motion of Mr. Hampton, the rules of the Senate were dispensed with, the resolution read a third time and adopted.

Mr. Gould, on leave, introduced a bill to be entitled an act to amend the 5th and 6th sections, of the 126th chapter of the Disgest.

Was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

And on motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a third time and passed.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled an act for the relief of Davis Thompson.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval an act to divide the State into judicial circuits to provide for the election of judges of the circuit court; judges of the county and probate court; prosecuting attorneys, and to provide for the interchange of circuits.

WM. C. MITCHELL, *Chairman.*

House bill No. 119, to be entitled an act for the relief of Davis Thompson.

Which was read a first time.

On motion of Mr. Burke, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Burke, the bill was referred to the committee on judiciary.

On motion of Mr. Chism, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Saturday, December 30, 1848.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hunter.

Mr. President ordered a call of the Senate, the roll being called, 16 senators answered to their names.

The journal of yesterday was read and approved.

Message from the House of Representative by the clerk:

I have the honor to transmit to your honorable body the message of his excellency, the Governor, which was communicated to the House of Representatives, on the 28th inst., withholding his approval from the bill to be entitled an act to distribute the proceeds of the 500,000 acres of land, donated to the State of Arkansas for internal improvements.

In compliance with the requisitions of the constitution, the House have proceeded to reconsider said bill, and have passed the same, the Governor's objection thereto notwithstanding.

Said bill is herewith transmitted for the reconsideration of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

Mr. Gould presented a memorial signed by 39 citizens of the city of Little Rock, praying the General Assembly to pass an act appropriating the whole amount of the proceeds of the 500,000 acres of land, donated to the State of Arkansas for purposes of internal improvements, to the construction of a rail road from Rock Roe, on White River, via Little Rock, to Fort Smith, in Crawford county.

Which was read.

Mr. McClain moved to reject the memorial.

Mr. Clarke moved to lay the memorial on the table for the present; when Mr. McClain withdrew his motion; and the motion of Mr. Clarke prevailed.

On motion of Mr. Wilson, the following resolution was taken up and read:

Resolved, That the two Houses meet in convention on Saturday the 30th Dec., 1848, (to-day), at 10 o'clock A. M., for the purpose of electing State Treasurer, State Auditor, Secretary of State, and Land Agent.

Mr. Clarke moved to amend by striking out 30th December, and inserting 6th January, 1849.

Which motion was lost.

Mr. Underhill moved to strike out Saturday, December 30, and insert Wednesday, January 3d, 1849.

Which motion was lost.

Mr. Williamson moved to strike out Saturday, December 30th, and insert Monday, January 1st, 1849.

Which motion was lost.

On motion of Mr. Underhill, leave of absence was granted to Mr. Austell.

Mr. Mayfield moved a call of the Senate, which motion was sustained, and upon calling the roll the following Senators answered to their names:

Messrs. Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—20.

On motion of Mr. Underhill, the further call of the Senate was suspended.

Mr. Underhill moved to amend the resolution by striking out Saturday, December 30, and inserting Tuesday, January 2d, 1849, and called for the yeas and nays; which being ordered, were yeas 9, nays 10.

Yeas, Messrs. Chism, Clarke, Hampton, Mayfield, McCamy, Mitchell, Poindexter, Underhill, and Williamson—7.

Nays, Messrs. Black, Burke, Dickson, Gould, McClain, Reyburn, Simpson, Watkins, Wilson, and Mr. President—10.

So the motion was lost.

Mr. Clarke moved to lay the resolution on the table.

Upon which motion, Mr. Black called for the yeas and nays; which being ordered, were yeas 7, nays 12.

Yeas, Messrs. Chism, Clarke, Mayfield, McCamy, Mitchell, Underhill, and Williamson—7.

Nays, Messrs. Black, Burke, Dickson, Gould, Hampton, McClain, Poindexter, Reyburu, Simpson, Watkins, Wilson, and Mr. President—12.

So the motion was lost.

The resolution was then concurred in by the Senate, and the House of Representatives informed thereof.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act for the relief of John Morris, of Independence county.

Which is herewith transmitted for the concurrence of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Watkins, from the committee on memorials, made the following report:

Mr. President: The committee on memorials to whom was referred the petition of sundry citizens, praying the passage of an act incorporating the St. Pauls church, in Union county, a body politic and corporate, have had the same under consideration, and instructed me to report the same back to the Senate, and to state that it is too late in the session for the General Assembly to take up the subject, and to ask that your committee be discharged from further consideration of the same.

Respectfully submitted,
WATKINS, *Chairman.*

Which report was read and adopted.

Mr. Simpson, from the committee on internal improvements, made the following report:

Mr. President: The committee on internal improvements, to whom was referred a petition from citizens of Fulton county, asking the General Assembly to pass an act declaring the Big North Fork of White river a navigable stream, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage.

SIMPSON.

Which report was read and adopted.

The bill accompanying the report to be entitled an act declaring the Big North Fork of White river a navigable stream.

Which was read a first time.

On motion of Mr. Simpson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Simpson, the rules of the Senate were again dispensed with, the bill read a third time and passed.

Mr. Burke, from a select committee, made the following report:

Mr. President: The select committee to whom was referred House bill, No. 67, an act for the relief of Westly Walker, of Monroe county, have had the same under consideration; having seen and conversed with Maj. Flournoy, the chairman on the part of the House of Representatives, who originated said bill, who informs your committee that the facts stated in said bill, was fully and compleatly established by the petition of sundry citizens of Monroe county, as well as by the affidavit of the Hon. P. Coster, representative of said county of Monroe.

The majority of said committee have instructed me to report the bill back to the Senate, and to recommend its passage.

Respectfully submitted,
BURKE.

Which report was read and adopted; and bill accompanying it, read a third time and passed.

Mr. Gould was called to the chair.

The message of the Governor, from the House of Representatives, returning the bill entitled an act to distribute the proceeds of the 500,000 acres of land, donated to the State of Arkansas for internal improvemts, was taken up, and read as follows:

EXECUTIVE OFFICE,
Little Rock,
Dec. 28, 1848.

To the Speaker of the House of Representatives:

SIR—A bill to be entitled an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas, for internal imprements, has been presented to me for my approval.

Our State Constitution which was adopted on the 30th day of January, 1836, in the 7th article, and 7th section, provides in relation to this subject in the following words:

"Internal Improvements shall be encouraged by the government of this State, and it shall be the duty of the General Assembly, as soon as may be, to make provision by law, for ascertaining the proper objects of improvement, in relation to roads, canals, and navigable waters; and it shall also be their duty to provide by law, for an equal, systematic, and economical application of the funds which may be appropriated to these objects."

Subsequently, Congress, by an act, approved 4th Sept., 1841, in the following words, granted to this State a fund for internal improvements, to wit:

Sec. 8. That there shall be granted to each State specified in the first section of this act, 500,000 acres of land for purposes of internal improvement.

And again in

Sec. 9. That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the nett proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively, namely: roads, railroads, bridges, canals, and improvement of water courses, and draining of swamps; and such roads, railroads, canals, bridges, and water courses, when made or improved, shall be free for the transportation of the United

States mail, and munitions of war, and for the passage of their troops. without the payment of any toll whatever.

Hence it is manifest that this fund was granted, and was accepted for the purposes specified in the grant, and entrusted to the good faith of the legislature; to evade the provision of the grant would be a violation of the faith of the State. This fund, therefore, does and will remain, under the management of the State legislature through all successive time.

It would be a breach of faith on the part of this State, to accept the grant with the conditions, and dispose of the fund otherwise by a distribution to the several counties, had not the constitution in express language, indicated, as has been fully shown, the precise course, and made it obligatory upon the legislature to manage, control, and apply the funds in accordance with the provisions of this grant, the obligation still would be found in the grant. Then it is doubly binding upon this legislature as well as all succeeding legislatures as well to carry out the object of the grant, not only with a view to the faithful ascertainment of objects of improvement, but the economical application of the fund, that much good may result to the State, with corresponding benefits to the General Government. The majority of this legislature have the constitutional right during the term for which they have been elected to manage and control this fund under the restrictions referred to; but they have no right to deprive a succeeding legislature of a like control, by thrusting it beyond the reach of any power upon earth.

They have as much right to abolish the State treasury, and distribute the proceeds thereof among the various townships, or to divide it out per capita among the people, as to distribute the proceeds of the 500,000 acre grant among the counties under the management of 255 commissioners and 51 lawyers authorized to pay themselves.

This bill, which is presented for my approval, violates every one of these conditions, and consequently is unconstitutional and absolutely void, and a flagrant violation of the faith of the State, and any attempt to enforce it would be enjoined by every tribunal, State and Federal, within the limits of the State of Arkansas. The constitution having first provided what the Legislature should do, and Congress following up the idea, by conferring on the State, and placing under the guardian care of the Legislature, a munificient donation, it does seem clear, that the constitutional provision referred to, was well understood by Congress, at the time the grant was made, and afforded guaranty, that the object of the grant would be fully carried out in good faith, in fostering and promoting the works contemplated, and hence the repetition in the grant of the identical specifications.

To distribute it among the several counties would serve most effectually to deprive the general government of every particle of interest provided for in the accomplishment of a 'systematic' application of this fund. It is also provided in the State constitution, in art. 7, sec. 4, that "No money shall be drawn from the treasury, but in consequence of an appropriation by law." And until the object has been ascertained, no appropriation can be made, nor has any such been made in the bill before me. In distributing this fund, the Legislature would avoid a constitutional responsibility imposed upon them, as well as the additional obligation attending the acceptance of the donation, which would be a violation of both; throwing them upon the counties in their corporate character.

Had the constitution been silent upon the subject of internal improvement, then the Legislature would have been governed by its own volition, except so far as she may have been placed under restrictions in the phraseology and character of the grant by Congress. In this case, I apprehend, the Legislature would be bound to carry out the specified object, as completely as if the subject had been reduced to the form of a written compact; for the acceptance of the donation on our part, placed us under obligations to perform the part required, that the general government might avail of all the advantages contemplated, which are important in their character.

Entertaining these opinions, as a solemn public duty I owe to the great interests of the State, my approval is withheld.

THO'S S. DREW.

Mr. McClain moved a call of the Senate.

Which motion was sustained.

The roll was called and the following Senators answered to their names:

Messrs. Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—20.

The sergeant-at-arms was ordered to bring in the absent Senator who retired for a short time and returned with the absentee; when, on motion of Mr. McClain, the call was suspended.

The question shall the bill pass, notwithstanding the objections of the Governor, was stated from the chair,

Those Senators voting in the affirmative are,

Messrs. Black, Chism, Clarke, Dickson, Hampton, Mayfield, McCamy, McClain, Mitchell, Shaw, Simpson, Watkins, and Williamson—13.

Those Senators voting in the negative are,

Messrs. Burke, Flanagin, Gould, Poindexter, Reyburn, Underhill, Wilson, and Mr. President—8.

So the bill was passed, and returned to the House of Representatives.

Message from the House of Representatives by the clerk.

Mr. President: I have the honor to present for your honor's signature an act for the relief of F. W. Trapnall.

Also, an act to change the line between the counties of Prairie and Pulaski.

Also, a joint resolution appointing a joint committee to burn the paper of the State Bank.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Mitchell, from the committee on enrolled bills made the following report:

Mr. President: The committee on enrolled bills, have examined an act supplementary to the acts providing for the sale of the 500,000 acres of land donated to the State for purposes of internal improvement.

Also, an act to aid in the collection of debts due from certain residents of the Indian country, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. Dickson, the Senate took a recess until half after 2 o'clock, P. M.

At half past 2 o'clock, P. M., the Senate convened.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed the accompanying resolution, and respectfully ask the concurrence of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Resolved, That the joint resolution, fixing to-day at 3 o'clock to go into certain elections, be reconsidered, so far as the election Auditor and Treasurer, is concerned, because this house has no report of the condition of said offices, from the standing committee on the books of the auditor and treasurer; and that the two houses meet in convention, on Tuesday next, Jan. 2, at 3 o'clock, P. M., for the purpose of the election of an auditor and treasurer.

Resolved further, That the Senate be asked to concur in this resolution.

The resolution was taken up and read.

On motion of Mr. Black, it was laid on the table.

Mr. Mayfield moved a reconsideration of the vote, laying the resolution on the table; but before the question was put, he withdrew his motion.

Mr. McClain moved that the Senate reconsider the vote taken on laying the resolution on the table.

Upon which motion, Mr. Black called for the yeas and nays which being ordered, were yeas 16, nays 2.

Yeas, Messrs. Burke, Clarke, Dickson, Flanagin, Hampton, McCamy, McClain, Mitchell, Reyburn, Shaw, Simpson, Underhill, Watkins, Willliamson, Wilson, and Mr. President—16.

Nays, Messrs. Black, and Mayfield—2.

So the vote was reconsidered, and the resolution taken up.

Mr. McClain moved a non-concurrence in the resolution.

Mr. Flanagin moved that the Senate concur in the resolution; which motion prevailed, and the House of Representatives informed thereof.

Mr. Hampton introduced the following resolution:

Resolved, That the present General Assembly will adjourn *sine die*, Monday the 8th day of Jan. 1849, and that the House of Representatives be requested to concur herein.

Was read a first time.

On motion of Mr. Hampton, the rules of the Senate were dispensed with, and the resolution read a second time.

And on further motion of Mr. Hampton, the rules of the Senate were dispensed with, the resolution read a third time and adopted.

It was then transmitted to the House of Representatives for their concurrence.

Mr. Mayfield moved that the Senate adjourn.

Which motion was lost.

Mr. Black moved the Senate adjourn; but before the question was taken, he withdrew it.

The messsage received from the House of Representatives, this morning was taken up and read.

House bill No. 164, to be entitled an act for the relief of John Morris of Independence county.

Was read a first time.

On motion of Mr. Watkins, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Watkins, the bill was referred to the committee on claims.

Senate bill No. 109, to be entitled an act to allow the judge of the 4th judicial circuit $1,500 per annum.

Was read a third time.

Mr. Black moved to amend, by inserting after the words 'judge of the,' in 4th line of the first section the words, 'third and.'

Mr. Burke moved to lay the bill and amendment on the table until the 4th day of July next.

Upon which motion Mr. Black called for the yeas and nays, which being ordered, were yeas 16, nays 3.

Yeas, Messrs. Black, Burke, Clarke, Flanagin, Hampton, Mayfield, McCamy, Mitchell, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—16.

Nays, Messrs. Chism, Dickson, and McClain—3.

So the motion to lay the bill on the table until the 4th day of July prevailed.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the Hall of the House of Representatives is now in readiness to receive the Senate for the purpose of going into joint convention to elect a Secretary of State and State Land Agent.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Underhill, the Senate repaired to the Hall of the House of Representatives, and being seated:

The President announced that nominations for Secretary of State were in order.

Whereupon, Mr. Mitchell nominated David B. Greer.

No other nominations being made, the rolls were called, when it appeared that David B. Greer had received 78 joint votes, Mr. Ross had one vote. Mr. Thompson had one vote, and Mr. Price had one vote.

Those Senators who voted for David B. Greer are,

Messrs. Black, Burke, Chism, Clarke, Dickson, Gould, Hampton, Mayfield, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—20.

Whereupon, the speaker announced that David B. Greer having received a majority of all the votes given, was duly and constitutionally elected Secretary of State of the State of Arkansas, for and during the time prescribed by law.

Mr. President announced that nominations for State Land Agent were in order.

Whereupon, Mr. McClain nominated Lambert J. Reardon; and Mr. Smith of the House of Representatives, nominated C. L. Jeffries.

No other nominations being made, the rolls were called, when it appeared that Lambert J. Reardon had received 61 joint votes; C. L. Jeffries had received 13 joint votes, Mr Dodson had one vote, Isaac H. Ward had 3 votes, Mr. Thompson had one vote, Col. Izard had one vote, Col. Tebbetts had one vote, and Mr. Refeld had one vote.

Those Senators who voted for Lambert J. Reardon are,

Messrs. Black, Burke, Chism, Dickson, Flanagin, Gould, Hampton, Mayfield, McCamy, McClain, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—18.

Those Senators who voted for C. L. Jeffries are,

Messrs. Clarke, Mitchell, and Poindexter—3.

Whereupon, the speaker proclaimed that Lambert J. Reardon having received a majority of all the votes given, was duly elected State Land-Agent, for and during the time prescribed by law.

The Senate returned to their chamber.

On motion of Mr. Chism, the Senate adjorned.

J. GOULD, *President pro. tem. of the Senate.*

Monday, Jan. 1, 1849.

The Senate met pursuant to adjournment.

The chair ordered a call of the Senate; the roll being called, 19 Senators answered to their names.

Prayer by the Rev. Mr. Hunter.

In consequence of the absence of Mr. President, Mr. Gould took the chair as President pro. tem.

On motion of Mr. Burke, leave of absence was granted Mr. President on account of the indisposition of his family.

Mr. Burke, from the committee on the judiciary, made the following report:

Mr. President: The judiciary committee to whom was referred House bill No. 129, entitled an act for the relief of Davis Thompson, have had the same under consideration, and instructed me to report the same back to the Senate, and to recommend its passage.

Respectfully submitted,

BURKE.

The bill accompanying it was read a third time.

The question being on its passage, Mr. Simpson called for the yeas and nays; which being ordered, were yeas 16, nays 5.

Yeas, Messrs. Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Hampton, Maxwell, McCamy, McClain, Poindexter, Reyburn, Underhill, Williamson, and Wilson—16.

Nays, Messrs. Mayfield, Mitchell, Shaw, Simpson, and Watkins—5.

So the bill was passed.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The standing committee on the judiciary to whom were referred a bill to be entitled an act respecting White river, have had the same under consideration, and have instructed me to recommend its passage.

H. FLANAGIN, *Chairman.*

Which report was read and adopted, and the bill accompanying it read a third time and passed.

Mr. Simpson, from the committee on claims, made the following report:

Mr. President: The committee on claims, to whom was referred a bill entitled an act for the relief of John Morris of Independence county, have had the same under consideration, and from the evidence before the committee, they are of the opinion that the claim is just, and a majority of the committee have instructed me to report the bill back without amendment, and recommend its passage.

SIMPSON, *Chairman.*

Which report was read and adopted, and the bill accompanying it read a third time and passed.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have passed a bill to be entitled an act to incorporate the town of Bentonville.

Also, a bill to be entitled an act to incorporate the town Washington.

Also, a bill to be entitled an act for the relief of Thomas B. Baker of Randolph county.

Also, a bill to be entitled an act to incorporate the Princeton Male and Female Acadamy.

Also, a bill to be entitled an act for the benefit of the heirs at law of Avanilla Beaty, late Avanilla Davis, deceased, of the county of St. Francis.

Also, a bill to be entitled an act for the relief of John Quindley, sheriff of Conway county.

Also, a bill to be entitled an act to amend the charter of Little Rock.

Also, a bill to be entitled an act to authorize the administratrix of James Pelton to sell real estate.

Also, a bill to be entitled an act concerning the sale of the 16th sections of land, or any part thereof.

Also, a bill to be entitled an act to fix the times of holding the circuit courts in the several judicial circuits in this State.

To which the concurrence of the Senate is respectfully asked.

The House have assented to Senate bill No. 96, entitled an act for the benefit of Thomas Maddin, as administrator of the estate of James Maddin, dec'd, late of Pope county.

Which is herewith returned.

The House of Representatives adhere to the 1st amendment of the House to Senate bill No. 25, to be entitled an act to distribute the Digest of the Statutes of Arkansas.

All of which are herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Hampton, from the committee on internal improvement, made the following report:

Mr. President: The standing committee on internal improvement to whom was referred a bill to be entitled an act to declare Current river, in Randolph county, a navigable stream, have directed me to report the bill back, and recommend its passage.

JNO. R. HAMPTON, *Chairman.*

Which report was read and adopted, and the bill read a third time and passed.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom were referred an act for the relief of James Clark, sheriff of Green county, have had the same under consideration, and instructed me to recommend that all after 'Clark,' in the fourth line in the first section be stricken out and the following adopted as an amendment, namely, 'shall be released from all penalties and forfeitures which may have accrued by reason of his not paying the said taxes on the 10th day of December, 1848, provided he shall pay the same in full by the first day of March, 1849.

H. FLANAGIN.

Which report was read and adopted, and the bill, as amended, read a third time and passed.

Mr. Mitchell was called to the chair.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The committee on ways and means to whom was referred Senate bill entitled an act to repeal the law fixing a minimum value on lands as the basis of taxation, have unanimously instructed me to report the same as inexpedient.

J. GOULD *Chairman.*

Which report was read and adopted.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature an act to incorporate the Clarksville Institute.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Hampton introduced the following resolution:

Resolved, That a committee of three be appointed to confer with such committee as may be appointed on the part of the House of Representatives, upon the amendment proposed and adhered to by the House, to the bill providing for the distritbution of the Digest of the Statutes.

Which was read and adopted, and Messrs. Hampton, Poindexter and McClain, appointed a committee on the part of the Senate, and the House of Representatives informed thereof.

On motion of Mr. Gould, House bill No. 91, to be entitled an act to fix the terms for holding the circuits in this State, was taken up and read a first time.

On motion of Mr. Williamson, the rules of the Senate were disdensed with, and the bill read a second time.

Mr. McClain moved to amend the 4th section by striking out the word 'second,' in the 6th line, and insert the word 'first.'

Which motion prevailed.

On motion of Mr. Gould, the rules of the Senate were diswith and the resolution read a third time and passed.

Mr. Clarke introduced a bill to be entitled an act to define the salary of the Auditor of Public Accounts.

Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Black moved to strike out the word 'fifty,' in the first section.

Which motion was lost.

On motion of Mr. Williamson, the bill was referred to the committee on ways and means.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body, that the House of Representatives, have concurred in the resolution of the Senate raising a committee of conference upon the amendment proposed and adhered to by the House to the bill of the Senate, to be entitled an act to distribute the Digest of the Statutes of Arkansas.

The committee on the part of the House are Messrs. Trapnall, Flournoy and Mitchell.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Black, leave of absence was granted Mr. Dickson.

Mr. Gould introduced the following resolution:

Resolved, That the General Assembly will proceed to elect a Land Attorney and State Collector, at the time appointed for the election of Auditor and Treasurer, and that the House be requested to concur herein.

Which was read.

Mr. Flanagin moved to lay the resolution on the table for the present.

Which motion was lost.

On motion of Mr. Gould, the rules of the Senate requiring joint resolutions to lie on the table one day, were dispensed with, the resolution taken up, read and adopted.

Mr. Hampton, from the committee of conference, made the following report:

Mr. President: The committee of conference appointed by the two Houses of the General Assembly, to take into consideration the amendment adopted and adhered to by the House of Representatives, to the bill providing for the distribution of the Digest of the Statutes of Arkansas, have agreed upon the following modification of the proposed amendment: strike out as proposed by the House of Representatives and insert in lieu thereof the following words, to-wit: is published by authority of the State.

HAMPTON, *Ch'n on the part of Senate.*

Which report was read, and on motion of Mr. Gould, adopted.

Mr. President resumed the chair.

On motion of Mr. Hampton, the report of the committee on Auditor's and Treasurer's books, was taken up and read.

On motion of Mr. Hampton, the words "with specie," were added after the words, "redeemed," in the 9th line of the 3d page of the printed report.

The report of the committee was then adopted.

Mr. Williamson moved to take a recess until 2 o'clock P. M.

Which motion was lost.

On motion of Mr. Watkins, the vote taken on the passage of House bill, No. 91, to be entitled an act to fix the time of holding the circuit courts of the several judicial circuits of this State, was reconsidered.

Mr. Watkins moved to amend the bill by striking out the words "after the fourth Monday," in the 33d line of the 3d sec.

Which motion prevailed.

The bill, as amended, was read a third time and passed.

Mr. Clark moved that the Senate take a recess until half after 2 o'clock P. M.

Which motion was lost.

Mr. Maxwell moved that the Senate adjourn.

Upon which motion, Mr. Clarke called for the yeas and nays, which being ordered, were yeas 11, nays 9.

Yeas, Messrs. Black, Flanagin, Maxwell, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, and Wilson—11.

Nays, Messrs. Burke, Chism, Clarke, Gould, Hampton, Mayfield, McCamy, Watkins, and Williamson—9.

So the Senate adjourned.

J. GOULD, *Presinent pro tem.*
of the Senate.

Tuesday, January 2, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hunter.

Mr. President ordered a call of the Senate; the roll being called, 16 senators answered to their names.

The journal of Saturday was read and approved.

Mr. McCamy was called to the chair.

Message from the House of Representatives by the clerk:

Mr. President: I present for your honor's signature an act for the relief of Wesley Walker.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Gould, from the committee on Ways and Means, made the following report:

Mr. President: The standing committee on ways and means, to whom was referred a bill entitled an act to define the salary of the Auditor of Public Accounts, have instructed me to report the accompanying bill as a substitute, and recommend its passage.

J. GOULD, *Chairman.*

Which report was read and adopted.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Clarke moved to substitute the original bill, in lieu of the one reported by the committee.

Which motion was decided to be out of order.

Message from the House of Representatives by the clerk:

Mr. President—I have the honor to inform your honorable body, that the House of Representatives have passed a bill to be entitled an act making certain appropriations to Alfred Wallace.

Which is herewith transmitted for the assent of the Senate.

The House have assented to Senate bill, No. 90, to be entitled an act to provide for the publication of a statement of the receipts and expenditures of public money, as required by the constitution.

Also, to Senate bill, No. 107, to be entitled an act to change the name of Juda Green, of the county of Carroll, in the State of Arkansas, to that of Julia Ann Klepper.

J. M. TEBBETTS, *Clerk*
of theHouse of Representatives.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: the committee on Enrolled bills have examined an act to distribute the Digest of the Statutes of Arkansas.

Also, an act for the benefit of Thomas Madden, as administrator of James Madden, deceased, late of Pope county, and find the same correctly enrolled.

MITCHELL, *Chairman.*

On motion of Mr. Mayfield, the vote taken on the adoption of the report from the committee on ways and means was reconsidered.

The report of the committe was rejected.

On motion of Mr. McClain, the original bill, entitled an act to define the salary of the Auditor of Public Accounts, was taken up, read a third time and passed.

Mr. McClain introduced a bill to be entitled an act concerning the Reports of the Supreme Court.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time, and ordered to a third reading on to-morrow.

On motion of Mr. Clarke, the vote taken on the passage of the bill of the Senate, Number 112, to be entitled an act to define the salary of the Auditor of Public Accounts, was reconsidered.

Mr. Flanagin offered the following amendment, to the second section:

Except fees allowed the Auditor by law for services rendered individuals other than making deeds for forfeited lands, and the fee of twenty-five cents on each tract of land forfeited to the State.

Which was read and adopted.

Mr. Poindexter moved to refer the bill and amendment to a select committee.

Which motion was lost.

Mr. Gould offered the following amendment, as an additional section:

Sec. 3. *Be it further enacted*, That the Auditor shall be allowed to employ one or more clerks, in his office, whose aggregate salary shall not exceed $600 per annum; *Provided*, He shall not expend more than $600 a year for clerk hire.

Which amendment was read and adopted.

Mr. Flanagin offered the following amendment to the 1st sec.

Add to the 1st section the words "except such fees as are excepted in the 2d section of this act.

Which amendment was read and adopted.

The bill, as amended, was read a third time and passed.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved and signed a bill entitled an act to aid in the collection of debts due from certain residents of the Indian country.

Also, a bill entitled an act supplementary to the acts providing for the sale of the 500,000 acres of land donated to the State for purposes of internal improvements.

Also, an act to divide the State into judicial circuits; to provide for the election of Judges of the county and probate court; of prosecuting attorneys; and to provide for the interchange of circuits.

JNO. D. ADAMS, *Sec'y to the Gov.*

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, an act to aid in the collection of debts due from certain residents of the Indian country.

Also, an act supplementary to the acts providing for the sale of the 500,000 acres of land donated to the State for purposes of internal improvement.

WM. C. MITCHELL, *Chairman.*

Mr. President pro tem. resumed the chair.

Mr. Mitchell introduced a bill to be entitled an act to change the time of holding the county courts of the county of Newton.

Which was read a first time.

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a third time and passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval an act to distribute the Digest of the Statutes of Arkansas.

Also, an act for the benefit of Thomas Madden, as administrator of James Madden, deceased, late of Pope county.

WM. C. MITCHELL, *Chairman.*

Mr. Poindexter introduced a bill to be entitled an act for the relief of William Arnett, late sheriff of Hempstead county.

Which was read a first time.

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Mitchell, the rules of the Senate were dispensed with, the bill read a third time and passed.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a bill, of the Senate, to be entitled an act to divide the seminary fund and to establish common schools.

With certain amendments thereto, in which the concurrence of the Senate is respectfully asked.

Said bill is herewith returned.

The House of Representatives have concurred in the amendments of the Senate to Honse bill, No. 91, to be entitled an act fixing the times of holding the circuits.

Mr. Williamson was called to the chair.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed a bill to be entitled an act concerning schools.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

House bill, No. 185, to be entitled an act to authorize the administratrix of James Pelton, to sell real estate, was taken up, on motion of Mr. Chism, and read a first time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, and the bill read a second time.

Ordered to a third reading on to-morrow.

The message from the House of Representatives, returning Senate bill, No. 15, to be entitled an act to divide the seminary fund, and to establish common schools, was taken up and read.

The bill accompanying it was taken up.

The 1st amendment was read and concurred in by the Senate.

The 2d amendment was read; and the Senate refused to concur in it.

The 4th amendment was read, and concurred in by the Senate.

The 5th amendment of the House, or 21st section, was read and concurred in by the Senate.

The 22d, 23d, and 24th sections, added by the House, were read and concurred in by the Senate.

House bill No. 179, to be entitled an act concerning common schools.

Which was read a first time.

On motion of Mr. McCamy, the rules of the Senate were dispensed with, and the bill read a second time.

And on motion of Mr. McCamy, the rules of the Senate were dispensed with, and the bill read a third time and passed.

House bill, No. 178, to be entitled, an act for the benefit of the heirs at law of Avanilla Beaty, late Avanilla Davis, dec'd, late of St. Francis county.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. McClain, the rules of the Senate were dispensed with, the bill read a third time and passed.

House bill, No. 102, to be entitled an act for the relief of Thomas B. Baker, of Randolph county.

Was read a first time.

On motion of Mr. Black, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. McClain offered the following amendment:

Amend by adding the following as section 2, and make sec. 2, in the bill, section 3.

Sec. 2. *And be it further enacted,* That William Fritz, of the county of Johnson, be, and he is hereby granted the same privileges.

Which amendment was read and adopted.

On motion of Mr. McClain, the rules of the Senate were dispensed with, the bill read a third time, as amended, and passed.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body, that the House of Representatives have passed the accompanying bill, No. 59, to be entitled an act to incorporate the Little Rock Association of Steamboat Pilots.

In which the concurrence of your honorable body is respectfully asked.

I am, also, instructed to inform your honorable body, that the House of Representatives has concurred in the Senate resolution, fixing Monday, the 8th January, 1849, for the adjournment, *sine die,* of this General Assembly.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

House bill, No. 180, to be entitled an act for the relief of John Quindley, sheriff of Conway county.

Which was read a first time, and ordered to a second reading on to-morrow.

House bill, No. 142, to be entitled an act to incorporate the town of Washington.

Was read a first time.

On motion of Mr. Poindexter, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Poindexter, the bill was referred to a select committee; consisting of Messrs. Poindexter, Reyburn, and Wilson.

On motion of Mr. McClain, House bill, No. 187, to be entitled an act making certain appropriations to Alfred Wallace,

Was taken up and read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

It was ordered to a third reading on to-morrow.

House bill, No. 177, to be entitled an act to incorporate the Trustees of the Princeton Male and Female Seminary.

Was read a first time, and ordered to a second reading on tomorrow.

Mr. President pro tem. resumed the chair.

Mr. Clarke, from the committee on counties and county lines, made the following report:

Mr. President: The committee on counties and county lines, to whom was referred the House bill, No. 107, entitled an act to alter and define the boundary line of the counties of Prairie, White, Jackson, St. Francis, and Monroe, and certain amendments which were suggested by the select committee, and reported on Thursday last, after an investigation of the subject, have instructed me to return the bill, as amended, and recommend its passage, with the accompanying amendments, which were suggested by the select committee.

CLARKE, *Chairman.*

Which report and amendments were read.

Mr. Wilson moved to lay the report on the table forever.

Which motion was lost.

The report was then adopted.

The bill was read a third time as amended.

Mr. Wilson offered the follow amendment:

Amend by striking out all that portion of the bill, which refers to territory, or an enlargement of Prairie county.

Which amendment was read.

The question being on its adoption, Mr. Poindexter called for the yeas and nays, which being ordered were yeas 8, nays 11.

Yeas, Messrs. Burke, Flanagin, Gould, Poindexter, Reyburn, Shaw, Underhill, and Wilson—8.

Nays, Messrs. Chism, Clarke, Dickson, Maxwell, Mayfield, McCamy, McClain, Mitchell, Simpson, Watkins, and Williamson—11.

So the amendment was lost.

Mr. Clarke offered the following amendment:

Amend 7th section by striking out the words Saturday, the 24th day of February, 1849, and insert in lieu thereof, the words the 1st Monday in February, 1849.

Which amendment was read and adopted.

The question being on the final passage of the bill, as amended, Mr. Wilson called for the yeas and nays; which being ordered, were yeas 10, nays 9.

Yeas, Messrs. Chism, Clarke, Dickson, Maxwell, Mayfield, McCamy, McClain, Mitchell, Simpson, and Williamson—10.

Nays, Messrs. Burke, Flanagin, Gould, Poindexter, Reyburn, Shaw, Underhill, Watkins, and Wilson—9.

So the bill was passed.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the resolution of the Senate fixing this after-noon, at 3 o'clock, for going into the election of State Collector and Land Attorney.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Flanagin introduced the following resolution:

Resolved, That the resolution fixing the time of electing an Auditor and Treasurer, for this day, be rescinded, and that Saturday next be fixed for the election of the aforesaid officers, and that the House of Representatives be requested to concur herein.

Which resolution was read.

Mr. Flanagin moved to dispense with the rules of the Senate requiring joint resolutions to lie on the table one day, and take it up, read, and adopt it.

Upon which motion, Mr. Williamson called for the yeas and nays, which being ordered, were yeas 9, nays 10.

Yeas, Messrs. Burke, Dickson, Flanagin, McCamy, Poindexter, Reyburn, Shaw, Underhill, and Watkins—9.

Nays, Messrs. Chism, Clarke, Gould, Maxwell, Mayfield, McClain, Mitchell, Simpson, Williamson, and Wilson—10.

So the motion to suspend was lost.

On motion of Mr. Williamson, the Senate took a recess until half after 2 o'clock, P. M.

At half past 2 o'clock, P. M., the Senate convened.

Mr. President appeared and took the chair.

Roll called, 16 Senators present.

Mr. Flanagin moved to reconsider the vote taken on the 27th day of Dec. last, on laying on the table indefinitely, House bill, No. 137, to be entitled an act to lessen the expense of printing the Supreme Court Reports, and to provide for the distribution of them to the clerks, in a more durable and convenient form.

Which motion the chair decided to be out of order; but put the question to the Senate, whether or not the rule requiring a reconsideration of any vote, to be moved on the same day or the day following, should be dispensed with in this case; which question the Senate decided in the affirmative.

The question was then taken on Mr. Flanagin's motion to reconsider the vote, and it prevailed.

And on motion of Mr. Flanagin, the bill was referred to the committee on the Judiciary.

Mr. Chism moved a reconsideration of the vote taken on the passage of House bill, No. 107, to be entitled an act to alter and define the boundary lines of the counties of Prairie, White, Jackson, St. Francis, and Monroe.

Which motion prevailed.

On motion of Mr. Wilson, the bill was laid on the table until to-morrow.

House bill, No. 59, to be entitled an act to incorporate the Little Rock Association of Steamboat Pilots.

Was read a first time.

On motion of Mr. Burke, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Gould, the bill was referred to the committee on the judiciary.

The resolution from the House of Representatives, instructing our Senators and requesting our Representative to procure the passage of a law remunerating those who lost horses in the late war with Mexico for the same, was read a third time and passed.

House bill, No. 176, to be entitled an act to incorporate the town of Bentonville.

Which was read a first time and ordered to a second reading on to-morrow.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the Hall of the House of Representatives is now in readiness to receive the Senate; for the purpose of going into the election of Auditor, Treasurer, and Land Attorney and State Collector, persuant to joint resolution.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The Senate repaired to the House of Representatives, and being seated.

Mr. President announced that nominations for Auditor of Public Accounts of the State of Arkansas, were in order.

Whereupon Mr. Reynolds, of the House of Representatives, nominated Christopher C. Danley; and Mr. Hammock, of the House of Representatives, nominated Elias N. Conway.

No other nominations being made, the rolls were called, when it appeared that Christopher C. Danley, had received 42 joint votes.

Elias N. Conway had received 40 joint votes.

John M. Ross had 1 vote.

Those Senators who voted for C. C. Danley are,

Messrs. Chism, Clarke, Hampton, Maxwell, McClain, Mitchell, Underhill, Williamson, and Wilson—9.

Those Senators who voted for E. N. Conway are,

Messrs. Black, Burke, Dickson, Flanagin, Gould, McCamy, Poindexter, Reyburn, Shaw, Simpson, Watkins, and Mr. President —12.

Whereupon, the Speaker proclaimed that Christopher C. Danley, having received a majority of all the votes given, was duly and constitutionally elected Auditor of Public Accounts of the State of Arkansas, for and during the term prescribed by law.

Mr. President announced that nominations for Treasurer of the State of Arkansas, were in order.

Whereupon, Mr. Greer, of the House of Representatives, nominated Samuel Adams.

Mr. Crow, of the House of Representatives, nominated William Gray.

Mr. Gould nominated Horace B. Allis.

No other nominations being made, the rolls were called, when it appeared that Samuel Adams had received 60 joint votes.

William Gray had received 19 joint votes.

Horace B. Allis had received 3 joint votes.

Jacob Reider had received one vote.

Those Senators who voted for Samuel Adams are,

Messrs. Black, Burke, Chism, Clarke, Flanagin, Hampton, Maxwell, McCamy, McClain, Mitchell, Poindexter, Shaw, Underhill, Watkins, Williamson, Wilson, and Mr. President—17.

Those Senators who voted for William Gray are,

Messrs. Dickson, Reyburn, and Simpson—3.

The Senator who voted for Horace B. Allis is Mr. Gould—1.

Whereupon, the Speaker proclaimed that Samuel Adams, having received a majority of all the votes given, was duly and constitutionally elected Treasurer of the State of Arkansas, for and during the term prescribed by law.

Mr. President announced that nominations for Land Attorney and State Collector were in order.

Whereupon Mr. McClain nominated Ebenezer Cummins.

No other nominations being made, the rolls were called, when it appeared that Ebenezer Cummins had received 77 joint votes.

Mr. Thompson had 1 vote.

Mr. Tebbetts had 1 vote.

Mr. Price had 1 vote.

Those Senators who voted for Ebenezer Cummins are,

Messrs. Burke, Chism, Clarke, Dickson, Gould, Hampton, Maxwell, McCamy, McClain, Mitchell, Poindexter, Reyburn, Shaw, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—20.

Whereupon, the Speaker announced that Ebenezer Cummins, having received a majority of all the votes given, was duly elected Land Attorney and State Collector, for and during the time prescribed by law.

The Senate returned to their chamber.

On motion of Mr. Chism, the Senate adjourned.

R. C. BYRD, *President of the Senate.*

Wednesday, Jan. 3, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Hunter.

Mr. President ordered a call of the Senate; the roll being called, 20 Senators answered to their names.

The journal of yesterday was read and approved.

Message from the House of Representative by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. 78, to be entitled an act allowing appeals from the county and probate courts.

Also, Senate bill No. 91, to be entitled an act to incorporate the Pine Bluff and Hot Spring Turnpike company.

Also, to Senate bill No. 98, to be entitled an act to regulate the duties of the Secretary of State.

Also, to Senate bill No. 48, to be entitled an act to incorporate the College of St. Andrew.

Also, to Senate bill No. 80, to be entitled an act to change the time of holding the county and probate courts of St. Francis county.

Also, to Senate bill No. 87, to be entitled an act to amend the 123d chapter of the Digest of the Statutes, under the title of runaway slaves.

Also, to Senate bill No. 101, to be entitled an act to amend the act to incorporate the town of Van Buren.

The House of Representatives adhered to their amendment to Senate bill No. 28, to be entitled an act concenring the printing of the Governor's message and accompanying documents.

Also, to Senate bill No. 83, to be entitled an act to compensate George W. Patrick, bank agent, with an amendment.

To which the concurrence of the Senate is respectfully asked.

The House have concurred in the joint resolution requesting the Governor to cause the law dividing the judicial circuits as well as his proclamation for holding such election to be published in all the papers of this State until the election.

All of which are herewith returned.

The House have adopted a memorial to the Congress of the United States, praying the passage of a land donation to this State, an additional Salt Spring and the six sections of land adjoining the same, which is transmitted for the concurrence of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

On motion of Mr. Wilson, House bill No. 107, to be entitled an act to alter and define the boundary lines between the counties of Prairie, White, Jackson, St. Francis and Monroe.

Was taken up and read.

The question being on the final passage of the bill, Mr. Wilson called for the yeas and nays, which being ordered, were yeas 11, nays 9.

Yeas, Messrs. Clarke, Dickson, Maxwell, Mayfield, McCamy, McClain, Mitchell, Shaw, Simpson, Watkins, and Williamson—11.

Nays, Messrs. Burke, Flanagin, Gould, Hampton, Poindexter, Reyburn, Underhill, Wilson, and Mr. President—9.

So the bill was passed, and returned to the House of Representatives.

Mr. Clarke, from the committee on counties and county lines, made the following report:

Mr. President: The committee on counties and county lines, to whom was referred the House bill No. 153, entitled an act to require Dallas county to pay a portion of the public debt of Clark county, existing at the time Dallas county was stricken off and erected from the territory of Clark county, have had the same under consideration, and have instructed me to report the same back with the accompanying amendments and recommend their passage.

CLARKE, *Chairman.*

Amend 3d sec. by inserting the words 'that part of,' at the beginning of the first line, and by inserting the words 'which was stricken from the county of Clark,' after the word 'Dallas' in the first line.

Amend 4th sec. by striking out the words 'make an appropriation to pay the same and provide means therefor,' and insert in their place the words 'levy a tax upon that part of the county stricken from Clark county,' —— and to insert the words 'when collected' after the word 'same' in the 9th line of said section.

Amend sec. 3d by inserting after the word 'improvements' constructed after the 1st day of January, 1843.

Which report was read.

Mr. Gould moved to lay the report, bill and amendments on the table until the 4th day of July next.

Upon which motion, Mr. Clarke called for the yeas and nays, which being ordered, were yeas 11, nays 9.

Yeas, Messrs. Dickson, Flanagin, Gould, Hampton, Maxwell, Mayfield, Reyburn, Shaw, Simpson, Williamson, and Mr. President—11.

Nays, Messrs. Burke, Chism, Clarke, McCamy, McClain, Mitchell, Poindexter, Underhill, and Watkins—9.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a bill entitled an act for the benefit of Thomas Maddin, as administrator of James Maddin, dec'd, late of Pope county county.

Also, an act to distribute the Digest of the Statutes of Arkansas. Jan'y 3d, 1849.

JOHN D. ADAMS,
Private Sec'y to the Governor.

Message from the House of Representatives by the clerk.

Mr. President: I have the honor to present for your honor's signature, an act for the relief of Davis Thompson.

Also, an act for the relief of John Morris of Independence county.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Chism, from the committee on internal improvement, made the following report:

Mr. President: The committee to whom was referred Senate bill No. 108, entitled an act supplementary to an act passed at the present session of the General Assembly, for the purpose of distributing the internal improvement fund among the several counties of this State, have had the same under consideration, and recommend its passage.

CHISM.

Which report was read and adopted, and the bill accompanying it was read a third time and passed.

Mr. Poindexter, from a select committee, made the following report:

Mr. President: The select committee to whom was referred the bill to incorporate the town of Washington, have instructed me to report the bill and recommend its passage, with the following amendments in section 4: strike out January and insert February in sec. 7th; strike out January and insert February in section 17th; strike out all after the word necessary at the close of the section, in 16th section, insert the words not to receive one dollar.

H. P. POINDEXTER, *Chairman.*

Which report was read and adopted, and the bill accompanying it read a third time and passed.

Mr. Underhill, from the committee on internal improvement, made the following report:

Mr. President: The committee on internal improvements have had under consideration, Senate bill No. 21, to be entitled an act supplementary to an act to incorporate the Arkansas Rail Road and Transportation Company, and have instructed me to report the same back, amended as follows, and recommend its passage: strike out all of section 8, and insert

Sec. That in addition to the persons enumerated in the fourth section of the act to which this is supplemental, that Mark W. Izard, William Allen, Davis Gross, Freeman E. Patrick, Robert Topp, Robert C. Brinckle, Marcus B. Winchester, William Williams, B. M. Dorris and William Rives, are hereby appointed commissioners to open books for the subscription to stock in said company at the city of Little Rock; at the house of David Cross, in the county of St. Francis, and in the city of Memphis; the time and place to be described by advertisement, to be published in some newspaper, printed in the city of Little Rock, and also in the city of Memphis, at least 30 days before opening said books, and such books shall be kept open at least 60 days; and thereupon, said commissioners shall proceed to execute the duties prescribed by section three of the act to which this is a supplement.

Sec. 9. And that this act shall take effect and be in force from and after its passage.

UNDERHILL, *of the com.*

Which report was read and adopted.

On motion of Mr. Underhill, the bill was ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 187, to be entitled an act making certain appropriations to pay Alfred Wallace, was taken up, and read a third time.

Mr. Gould moved to lay the bill on the table for the time being.

Which motion was lost.

The question being on the final passage of the bill, Mr. Gould called for the yeas and nays, which being ordered, were yeas 14, nays 7.

Yeas, Messrs. Burke, Chism, Clarke, Dickson, Flanagin, Hampton, Maxwell, McCamy, McClain, Mitchell, Reyburn, Underhill, Williamson, and Wilson—14.

Nays, Messrs. Gould, Mayfield, Poindexter, Shaw, Simpson, Watkins, and Mr. President—7.

So the bill was passed.

The amendment of the House to Senate bill No. 83, to be entitled an act to compensate G. W. Patrick, bank agent, was, on motion of Mr. Clarke, concurred in by the Senate and the House of Representatives informed thereof.

Mr. McClain was called to the chair.

Mr. Gould, from the committee on ways and means, made the following report:

Mr. President: The standing committee on ways and means, have instructed me to report the accompanying bill certain making appropriations.

J. GOULD, *Chairman.*

The bill accompanying it to be entitled an act making certain appropriations out of the treasury.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Flanagin, the Senate resolved itself into a committee of the whole on said bill.

Mr. McCamy in the chair.

After sometime spent therein, the committee arose, and through their chairman, reported the bill back to the Senate, with the following amendments:

That the secretary of the Senate be paid $100 for enrolling and engrossing bills at the present session, to be paid out of the contingent expenses of this General Assembly.

That the clerk of the House of Representatives and secretary of the Senate shall be paid the sum of ten cents for each one hundred words, in copying the journals of the House of Representatives and the Senate, respectively, to be paid out of the contingent fund for the General Assembly.

Section —. *Be it further enacted*, That the 10th section of chapter 142, on salaries, in the Digest of the Statutes of Arkansas, allowing one hundred and fifty dollars per annum, to the Adjutant General of the State be, and the same is hereby repealed.

Sec. —. *Be it further enacted*, That the auditor shall not expend more than six hundred dollars per annum for clerk hire in his office.

Sec. —. *Be it further enacted*, That it shall be the duty of the proper officer to report to the General Assembly the amount of discount on all State Scrip disposed of to pay postage, or expenses, specie contracts made by this or any succeeding session of the General Assembly; *Provided*, that no payments shall be made in specie, unless for postage, or in compliance with an express contract made by the General Assembly, unless there be specie in the office of the treasurer with which to dischange warrants.

Which report was read, and on motion of Mr. Maxwell, adopted.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have rescinded from their amendments Nos. 2 and 3, to Senate bill No. 18, to be entitled an act to distribute the school fund and establish common schools; which is herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. McClain offered the following amendment to Senate bill No. 116, to be entitled an act making certain appropriations out of the treasury.

Amend the first section as follows:

That the treasurer be allowed two hundred dollars for clerk hire, and that he be authorized to employ clerks.

Which amendment was read and adopted, and the bill, as amended, read a third time and passed.

On motion of Mr. Gould, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Thursday, Jan. 4, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

The chair ordered a call of the Senate; the roll being called, 17 senators answered to their names.

The journal of yesterday was read and approved.

Mr. McCamy, on leave, introduced a bill to be entitled an act to increase the pay of the members of the General Assembly,

Was read a second time.

On motion of Mr. McCamy, the rules the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Flanagin, the whole of the bill was stricken out after the words 'four dollars per day,' in the first section.

Mr. Poindexter moved to amend by adding to the 1st section, 'this act shall not take effect until after the adjournment of the General Assembly to convene in 1850.'

Which motion was put; when Mr. Poindexter called for the yeas and nays, which being ordered, were yeas 9, nays 11.

Yeas, Messrs. Burke, Gould, Maxwell, Mitchell, Poindexter, Reyburn, Simpson, Watkins, and Wilson—9.

Nays, Messrs. Chism, Clarke, Dickson, Flanagin, Mayfield, McCamy, McClain, Shaw, Underhill, Williamson, and Mr. President —11.

So the amendment was lost.

On motion of Mr. McCamy, the rules of the Senate were dispensed with. and the bill read a third time, as amended on Mr. Flanagin's motion.

The question being on its passage, Mr. Mayfield called for the yeas and nays; which being ordered, were yeas 9, nays 11.

Yeas, Messrs. Clarke, Flanagin, Maxwell, McCamy, McClain, Mitchell, Underhill, Williamson, and Mr. President—9.

Nays, Messrs. Burke, Chism, Dickson, Gould, Mayfield, Poindexter, Reyburn, Shaw, Simpson, Watkins, and Wilson—11.

So the bill was lost.

Mr. Underhill introduced a bill to be entitled an act supplemental to an act to distribute the 500,000 acres of land donated to the State of Arkansas for internal improvement, passed at the present session of the General Assembly.

Which was read a first time.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Underhill, the rules of the Senate were dispensed with, the bill read a third time and passed, and transmitted to the House of Representatives for their assent.

Mr. Williamson introduced a bill to be entitled an act to reimburse the present keeper of the Penitentiary for money and labor expended by him for the benefit of the State, that were not required of him by his present contract.

Which was read a first time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Williamson, the bill was referred to the committee on ways and means.

Mr. Gould, from the judiciary committee, made the following report:

Mr. President: The committee on the judiciary have instructed me to report back the House bill entitled an act to incorporate the Little Rock association of steam-boat pilots, and recommend its passage.

J. GOULD.

Which report was read and adopted.

The bill accompanying it was read a third time and passed, and returned to the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President—I have the honor to inform your honorable body, that the House of Representatives have passed a bill to be entitled an act to incorporate the Van Buren and Fayetteville Turnpike company.

Also, an act to provide for the repair and protection of the State House.

Also, a bill to be entitled an act for the redemption of the county scrip of Benton and Newton counties, now at interest.

Which is herewith transmitted for the concurrence of the Senate.

The House of Representatives have assented to Senate bill No. 115, to be entitled an act for the relief of William Arnett, late sheriff of Hempstead county.

Also, to Senate bill No. 66, to be entitled an act to pay the Benton county militia called into service by Col. Wm. R. Ogden, in the month of July, 1846.

Also, to Senate bill No. 85, an act to be entitled an act to repeal so much of chapter 61, of the Digest as relates to secrecy of judges and clerks of elections.

Which is herewith returned.

The House have adopted a resolution for the relief of Ja's Lawson.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body, that the House of Representatives, have concurred in the Senate's amendment to House bill No. 156, to be entitled an act for the relief of John W. Jones, late sheriff and collector of Pope county.

Also, to Senate's amendment to House bill No. 45, to be entitled an act for the relief of George H. Wells.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary, have instructed me to report Senate bill entitled an act amendatory of the law relating to injunctions, with amendment, and recommend its passage.

J. GOULD.

Amend by adding a proviso to the first section, and by striking out the 2d, 3d, 4th, and 5th sections.

Provided, That no such decree shall be rendered against any such security until he, she or they, shall have had ten days notice in writing, of the intended application for such decree; which notice shall be served personally, upon such security.

Which report was read and adopted, and the bill read a third time and passed.

Message from the House of Representatives by the clerk.

Mr. President: I have the honor to present for your honor's signature an act for the relief of John W. Jones, late sheriff and collector of Pope county.

Also, a memorial to the Congress of the United States praying the passage of a law to remunerate those persons who lost horses in the late Mexican war not now provided for by law.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Flanagin introduced a bill to be entitled an act supplemental to an act entitled an act providing for the collection of revenue due from certain counties.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the rules of the Senate were dispensed with, the bill read a third time and passed, and transmitted to the House of Representatives for their assent.

Senate bill No. 21, to be entitled an act supplemental to an act to incorporate the Arkansas Rail Road and Transportation Company.

Was read a third time and passed.

Mr. Underhill was called to the chair.

House bill No. 175, to be entitled an act concerning the sale of the sixteenth sections of land, or any part thereof.

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Chism, House bill No. 185, to be entitled an act to authorize the administratrix of James Pelton to sell real estate, was taken up, read a third time and passed.

House bill No. 177, to be entitled an act to incorporate the trustees of the Princeton Male and Female Seminary,

Was read a second time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, the bill read a third time and passed.

House bill No. 182, to be entitled an act to amend the charter of the city of Little Rock.

Which was read a first time, and ordered to a second reading on to morrow.

Mr. Mitchell, from the committee on enrolled bills made the following report:

Mr. President: The committee on enrolled bills, have examined an act to amend 153d chapter of the Digest of the Statutes, under the title of runaway slaves.

Also, an act to compensate George W. Patrick, bank agent.

Also, an act to divide the seminary fund, and to establish common schools.

Also, an act to regulate the duties of the Secretary of State.

Also, an act to provide for the publication of a statement of the receipts and expenditure of public money as required by the constitution.

Also, an act to change the name of Inda Green, of the county of Carroll, in the State of Arkansas, to that of Julia Ann Klepper, and to constitute her the legal heir of John Klepper.

Also, an act to change the time of holding the county court of St. Francis county.

Also, an act to amend the act to incorporate the town of Van Buren.

Also, an act allowing appeals from the county and probate courts.

Also, a resolution for the publication of the law for holding elections, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. Williamson, Mr. President appointed Messrs Williamson and Gould a committee of conference, to confer with such committee as may be appointed by the House of Representatives, on the amendment of the House to the bill of the Senate to be entitled an act to provide for the publication of the Governor's message and accompanying documents, and the House of Representatives informed thereof.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The joint select committee who were appointed to count and burn such notes of the State Bank and branches as were reported by the financial receiver to be on hand, have performed that duty, and have the honor to report, that from the 29th day of Dec'r, 1848, to the 3d Jan'y 1849, both inclusive, the committee counted and burned $95,935,00, which is referred to by the financial receiver in the 18th line, on page 2, of his report of the 6th Nov. 1848.

The committee at the same time counted and burned $6,380,00, which is referred to by the financial receiver in the same report in the 19th line of page 2, in the following words:

Reserved for surplus revenue $6,379 60, making an aggregate of $102,315 00, of which there is

In State Bank paper,	$ 220 00
" Fayetteville branch paper,	60,075 00
" Batesville " "	21,965 00
" Arkansas " "	20,055 00
	$102,315 00

Messrs. J. Gould, C. W. Wilson and John Williamson, committee on the part of the Senate.

Which was read and adopted.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary have had the same under consideration, and have instructed me to report that they recommend that the section herewith reported, to be substituted for section 2 of the House bill.

H. FLANAGIN.

Sec. 2. *Be it further enacted*, That hereafter the Reports of the Supreme Court shall not be sent to the clerks in numbers, but in bound volumes, and one copy only, to each clerk; and it shall be the duty of the several clerks of this State, to have one copy of the Reports in his office, bound at the expense of the respective counties; and where numbers of the Reports have been lost or destryed, so that one entire, does not remain in said office, thereupon, a certificate of the proper clerk, setting forth what numbers are lost, it shall be the duty of the Secretary of State to furnish the said clerk, bound volumes, containing the missing numbers, so that one entire copy may remain in each clerk's office.

Which was read and adopted.

The bill accompanying it, to be entitled an act to lessen the expense of printing the Supreme Court Reports; and to provide for the distribution of them to the clerks, in a more durable form; was read a third time and passed.

Mr. McClain introduced a bill to be entitled an act to suppress dueling.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. McClain moved to dispense with the rules of the Senate, and read the bill a third time.

Which motion was lost.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred Senate bill, entitled an act to compensate E. Cummins, have instructed me to report the same back and recommend its passage.

Which are herewith transmitted for the assent of the Senate.

J. GOULD.

Which report was read and adopted.

The bill accompanying it was read a third time and passed.

Mr. Chism introduced a bill to be entitled an act in relation to sheriffs.

Was read a first time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Chism, the bill was referred to the committee on the judiciary.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, an act to amend the 153d chapter of the Digest of the Statutes, under the title of Runaway Slaves.

Also, an act to compensate George W. Patrick, Bank Agent.

Also, an act to divide the semitary fund, and to establish common schools.

Also, an act to regulate the duties of Secretary of State.

Also, an act for to provide for the publication of a statement of the receipts and expenditures of public money, as required by the Constitution.

Also, an act to change the name of Juda Green, of the county of Carroll, in the State of Arkansas, to that of Julia Ann Klepper, and to constute her the legal heir of John Klepper.

Also, an act to change the time of holding the county court of St. Francis county.

Also, an act to amend the act to incorporate the town of Van Buren.

Also, an act allowing appeals from the county and probate courts.

Also, a resolution for the publication of the law for holding elections.

WM. C. MITCHELL, *Chairman.*

House bill, No. 176, to be entitled an act to incorporate the town of Bentonville.

Was read a second time.

On motion of Mr. Dickson, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. President resumed the chair.

House bill, No. 180, to be entitled an act for the relief of John Quindley, sheriff of Conway county.

Was read a second time.

On motion of Mr. Maxwell, the rules of the Senate were dispensed with, and the bill read a second time.

The memorial from the House, memorializing the Congress of the United States, to donate to the State a salt spring, in lieu of one heretofore selected, and not confirmed to the State.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the memorial read a second time.

And on further motion of Mr. McClain, the rules of the Senate were dispensed with, the memorial read a third time and passed.

House resolution, No. 23, for the relief of James Laws.

Which was read a first time.

On motion of Mr. Wilson, the rules of the Senate were dispensed with, and the resolution read a second time.

And on further motion of Mr. Wilson, the resolution was referred to the committee on the judiciary.

House bill, No. 184, to be entitled an act for the redemption of the county scrip of Benton and Newton counties, now at interest.

Which was read a first time.

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a second time.

And on motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a third time and passed.

House bill, No. 157, to be entitled an act to provide for the protection of the State house.

Was read a first time.

On motion of Mr. Williamson, the rules of the Senate were disdensed with, and the bill read a second time.

On motion of Mr. Poindexter, the 8th section of the bill was stricken out.

On motion of Mr. Poindexter, the rules of the Senate were dispensed with, the bill read a third time and passed.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed the following resolution:

Resolved, That the select committe, appointed to count and burn the Arkansas Bank notes, in the State Bank, be instructed to have all the State Bank bonds in the bank, cancelled and filed away according to the laws now in force; and have the Real Estate Bank bonds, received by the bank, regestered; and that the Senate be requested to concur in the resolution.

In which the concurrence of the Senate is respectfully asked.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

The resolution accompanying the above message was read.

On motion of Mr. Gould, it was concurred in by the Senate, and the House of Representatives informed thereof.

House bill, No. 188, to be entitled an act to incorporate the Van Buren and Fayetteville Turnpike Company.

Which was read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Clarke moved to amend the 4th section, by inserting in the 3d line, after the words Van Buren Intelligencer, the words, and Fort Smith Herald.

Amend 19th section, by inserting in the 6th line the word among.

Which amendments were adopted.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, the bill read a third time and passed.

*M*essage from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved and signed a bill entitled an act to regulate the duties of the Secretary of State.

Also, an act to compensate Geo. W. Patrick, Bank Agent.

Also, an act to amend the 153d chapter of the Digest of the Statutes, under the title of Runaway Slaves.

Also, an act to amend an act to incorporate the town of Van Buren.

Also, an act to change the time of holding the county and probate courts of St. Francis county.

Also, an act to provide for the publication of a statement of the receipts and expenditures of public money, as required by the constitution.

Also, an act allowing appeals from the county and probate courts.

Also, an act to change the name of Juda Green, of the county of Carroll, in the State of Arkansas, to that of Julia Ann Klepper, and to constitute her the lawful heir of John Klepper of said county.

Also, a resolution requesting the Governor to have the law, dividing the State into judicial circuits, as well as his proclamation for holding such election, published in all the papers in this State until the election.

JNO. D. ADAMS, *Sec'y to the Gov.*

Mr. Underhill introduced Senate bill, No. 123, to be entitled an act further to prescribe the duties of Land Attorney and State Collector.

Which was read a first time.

On motion of Mr. Hampton, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Gould moved to amend by adding the following:

Provided, That said Land Attorney shall not receive more than two and a half per cent. on all sums collected by him, under the provisions of this act.

Which amendment was read and adopted.

On motion of Mr. Underhill, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Hampton was called to the chair.

On motion of Mr. Gould, the vote taken on the motion to dispense with the rules, to read Senate bill, No. 121, to be entitled an act to suppress dueling, a third time, was reconsidered.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a third time.

Mr. Clarke offered to amend the 1st section of the bill, by inserting after the word "duel," in the 3d line, the words "within the State."

Which amendment was read and adopted.

Mr. Flanagin offered the following amendment, as an additional section:

Sec. —. If any person shall leave this State, for the purpose of fighting a duel, or for the purpsse of acting as second for either party, in a duel, on conviction, shall not be permitted to vote at any election in this State, or be eligible to any office, legislative, executive or judicial, within the limits of this State.

Which was read.

Mr. Poindexter moved to lay the bill and amendments on the table, and called for the yeas and nays; which being ordered, were yeas 6, nays 15.

Messrs. Burke, Flanagin, Poindexter, Reyburn, Underhill, and Williamson—6.

Messrs. Chism, Clarke, Dickson, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Shaw, Simpson, Watkins, Wilson, and Mr. President—15.

So the motion to lay the bill on the State was lost.

The amendment was then adopted.

Mr. Poindexter moved to strike out the 4th section of the bill, and called for the yeas and nays; which being ordered, were yeas 8, nays 13.

Yeas, Messrs. Burke, Flanagin, Hampton, Poindexter, Reyburn, Simpson, Underhill, and Williamson—8.

Nays, Messrs. Chism, Clarke, Dickson, Gould, Maxwell, Mayfield, McCamy, McClain, Mitchell, Shaw, Watkins, Wilson, and Mr. President—13.

So the motion to strike out was lost.

On motion of Mr. Gould, sections 1, 2, 3, and all of the 4th to the word "the," in the 3d line, were stricken out.

The bill, as amended, was then read a third time.

The question being on its passage, Mr. Poindexter called for the yeas and nays, which being ordered were yeas 15, nays 6.

Yeas, Messrs. Chism, Clarke, Dickson, Gould, Hampton, Maxwell, Mayfield, McCamy, McClain, Mitchell, Reyburn, Simpson, Watkins, Wilson, and Mr. President—15.

Nays, Messrs. Burke, Flanagin, Poindexter, Shaw, Underhill, and Williamson—6.

So the bill was passed.

On motion of Mr. Underhill, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Friday, January 5, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called 17 Senators answered to their names.

The Journal of yesterday was read and approved.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the amendments of the Senate to House bill, No. 86, entitled an act to exempt the counties of Van Buren and Conway, from the operation of the 3d section of the 138th chapter of the late Revised Digest, under the head of County Revenue.

Also, in the amendment of the Senate to House bill, No. 142, entitled an act to incorporate the town of Washington.

Also, in the amendment of the Senate to House bill, No. 88, entitled an act to exempt Job M. Hale from the laws now in force, in relation to Hawkers and Pedlars.

The House have passed a bill to be entitled an act for the relief of G. G. Pace, late sheriff and collector in and for the county of Benton.

Which is herewith transmitted for the concurrence of the Senate.

The House have adopted a joint resolution, requesting the Governor to reimburse this State, for an appropriation made to Benton county mounted militia, for services rendered.

Which is herewith transmitted for the concurrence of the Senate.

The House have assented to Senate bill, No. 120, to be entitled an act to provide for the collection of revenue due from certain counties.

Also, to Senate bill, No. 114, to be entitled an act to change the times of holding the county courts of Newton county.

Also, to Senate bill, to be entitled an act respecting White river.

Also, to Senate bill, No. 118, to be entitled an act supplementary to an act to distribute the 500,000 acres of land donated to the State of Arkansas, for internal improvements, passed at the present session of the General Assembly.

All of which are herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have concurred in the resolution of the Senate, appointing a committee of conference upon the amendment of the House to Senate bill, No. 28, to be entitled an act concerning the printing of the Governor's message and accompanying documents; and have appointed, on the part of the House, Messrs. Smith, Berry, and Bertrand; to act with the committee of conference, on the part of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Clarke introduced the following resolutions:

Resolved, That the territory recently acquired by purchase from Mexico, like that which was acquired of France, is the common property of the people of the United States, and they have equal privileges and equal rights, being restricted in them, previous to the formation of their State constitutions, only by the terms of the constitution of the United States, and that necessity, which a military government imposes, previous to the settlement of such territory by free citizens of the United States.

Resolved, That the political power of Congress over any organized territory, in course of organization, extends no further than the measure of the grant, in the constitution, which authorizes the regulation of the right of Congress, in and to property in said territory.

Resolved, That citizens of the State of Arkansas, in migrating to any territory, the property of the United States, have the same political rights, regarding their persons and their property, that they may have exercised, during their residence, in said State, except so far as the local authorities of the free citizens of said territory, if organized, may effect such right.

Resolved, That this General Assembly views with deep concern and disapprobation, the growing interference of the people, of many of the free States, with the institutions of slavery, in the district of Columbia, where it had existed from time immemorial, as well as the wanton attempts, through the action of Congress, to interfere with the establishment of such institution, in the regulation of the property of the people of the several States, now emigrating, or who may hereafter think proper to carry with them their slave property into any territory acquired by purchase or otherwise.

Resolved, That slavery is a local institution, to be governed alone by the municipal laws passed, or that may be passed, by the people of the several States or organized territories.

Resolved, That the right of property in slaves is a proscriptive right, found in existence prior to the formation of the constitution of the United States, or that of any of the States, and does not owe its existence to such constitutions, but only recognized by them, in the provisions and guaranties, made its rules and government.

Resolved, That no legal or political power, upon earth, except that of the people of the several States or organized territories, in the formation and adoption of their fundamental law, have the right to determine this question, without a flagrant violation of the letter and spirit of the constitution of the United State.

Resolved, That any attempt by Congress, or by any State Legislature, or by any other authority, save that admitted in the foregoing resolutions, will be received and treated as an attempt to interrupt the friendly feelings of the people of the several States of this Union; at war with good neighborhoods, and the principles and spirit of harmony, that dictated the union of the States; and subversive of the glorious objects contemplated by the framers of the constitution.

Resolved, By this General Assembly, that it does not feel itself called upon to afford any thing more than this deliberate expression of opinion in favor of rights co-existent with our government, and the Secretary of State be, and is hereby required to transmit copies of these resolutions to our delegation in Congress, to the President of the United States, and the Governors of the several States.

Which were read a first time.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the resolutions read a second time.

And on further motion of Mr. Clarke, the rules of the Senate were dispensed with, the resolutions read a third time and passed.

The chair laid before the Senate the following communication from the Governor:

EXECUTIVE OFFICE,
Little Rock,
Jan. 4, 1849.

The Honorable the President of the Senate:

The inclosed is the memorial of John R. Hughes, mineralogist, which I am requested to present for the consideration of the General Assembly. In doing so, I cannot refrain from the expression of my deliberate opinion, that the great importance of the subject referred to, has not heretofore claimed a sufficient share of the attention of previous legislatures of this State. It is true that a law to which your memorialist refers, was passed, but from the failure or neglect of the legislature to make the first appoinment of a geologist, and the proper appropriation, the law has, to this time, been inoperative.

The recent discoveries of large quantities of lead ore in this and some other counties, north and south-west, in this State, in which has been discovered large proportions of the precious metals, is believed, furnishes the strongest reasons for the further action of the General Assembly, that the great hidden sources of mineral wealth may be developed.

Most respectfully,
THO'S S. DREW.

To the Senate and House of Representatives of the State of Arkansas:

The memorial of John R. Hughes humbly showeth: That he has been occupied in this State, for the last seven months in making examinations and testing various mineral substances and ores, the the products of this State; and find that Arkansas abounds in ores, containing the precious metals, which, if rightly tested, and a knowledge thereof promulgated, would bring into notice the immense mineral riches of the country, which only for want of proper attention and effort are being useless and unprofitable.

That he can establish, if opportunity be given him, that silver abounds within our borders; that bismuth and lead are also abundant; and gold in small quanties has been found.

That he has had an experience of over 40 years, in testing ores, and speaks advisedly upon this subject.

That the provisions of the act of this General Assembly, approved 2d February, 1843, relative to a geological examination of the State, are in substance, such a law as if carried out, would greatly add to the prosperity of the State.

Observing men in the State, have long been convinced of the mineral wealth of the State, but no authentic information has yet been published; and while it is certain that there is great mineral wealth in the State, it is equally certain, that in its present untested condition it is of no practicable value.

Hoping that your honorable bodies will consider this very important subject, your memorialist has the honor to subscribe himself your obedient servant.

JOHN R. HUGHES, Mineralogist.

Which memorial was read.

On motion of Mr. Gould, was referred to the committee on memorials.

Mr. Clarke introduced the following resolution:

Resolved, That the two houses of the General Assembly, will meet in the hall of Representatives, at 3 o'clock, on Saturday, the 6th inst., and elect a Financial Receiver for the State Bank, at Little Rock, and an attorney for each of the branches of said bank.

Which was read, and laid on the table one day under the rules of the Senate.

Mr. Gould, from the committee on the judiciary, made the following report:

Mr. President: A majority of the committee on the judiciary to whom was referred House resolution, for the relief of James Lawson, have instructed me to recommend the passage of the same.

J. GOULD.

Which report was read and adopted.

The resolution accompanying it was read a third time, and the question taken on its adoption, it was lost.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature, an act for the relief of Geo. H. Wells.

Also, an act to exempt the counties of Van Buren and Conway.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Gould, from the committee of conference, made the following report:

Mr. President: The committee on conferrence, to whom was referred Senate bill entitled an act concerning the printing of the Governor's message and accompanying documents, have agreed upon the following amendment to the House amendment of the bill, to-wit: add the words 'or at prices not exceeding those now paid the public printer for similar services.

J. GOULD,
J. WILLIAMSON,
of the Senate.

Which report was read and adopted.

Mr. McClain, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred the bill entitled an act for the relief of Prairie county, have had the same under consideration, and a majority of the committee have instructed me to report against said bill, as it is believed that the relief prayed for, properly belongs to the judicial tribunal, and any action of the Legislature would be in conflict with said tribunal.

McCLAIN.

Which report was read and adopted.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: the committee on Enrolled bills have examined an act to pay the Benton county militia called into service by Col. Wm. R. Ogden, in the month of July, 1846.

Also, an act for the relief of Wm. Arnett, late sheriff of Hempstead county.

Also, an act respecting White river.

Also, an act to repeal so much of the 61st chapter of the Digest as relates to secrecy of judges and clerks of election.

Also, an act to incorporate the College of St. Andrew, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. McClain, the vote taken on the adoption of the resolution of the House, for the relief of James Lawson, was reconsidered.

The resolution was then passed.

Mr. Gould introduced a bill to be entitled an act to amend the law relating to assaults and battery.

Was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Maxwell moved to lay the bill on the table until the 4th day of July 1849.

Upon which motion, Mr. Simpson called for the yeas and nays, which being ordered, were yeas 14, nays 7.

Yeas, Messrs. Black, Burke, Chism, Hampton, Maxwell, Mayfield, McCamy, Mitchell, Reyburn, Shaw, Simpson, Underhill, Watkins, and Williamson—14.

Nays, Messrs. Dickson, Flanagin. Gould, McClain, Poindexter, and Wilson—7.

So the bill was laid on the table until the 4th day of July, 1849,

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have adopted the following resolution:

Resolved, That the resolution fixing Monday, Jan. 8th, 1849, as the day for the adjournment *sine die,* of this General Assembly be, and the same is hereby rescinded.

Resolved further, That the Senate be asked to concur in this resolution.

To which the concurrence of the Senate is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Maxwell was called to the chair.

Mr. Flanagin, from the committee on the judiciary, made the following report:

Mr. President: The committee on the judiciary to whom was referred a bill to be entitled an act to alter the law in relation to garnishment, have had the same under consideration, and a majority of said committee have instructed me to report, that they recommend said bill be adopted, by adding to section 8 'unless they shall be collected of the defendant in garnishment.

H. FLANAGIN.

Which report was read.

The question was taken on its adoption, and it was lost.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval an act to pay the Benton county militia called into service by Col. Wm. R. Ogden, in the month of July, 1846.

Also, an act for the relief Wm. Arnett, late sheriff of Hempstead county.

Also, an act to repeal so much of chapter 61 of the Digest as relates to secrecy of judges and clerks of election.

Also, an act to incorporate the College of St. Andrew.

Also, an act respecting White river.

MITCHELL, *Chairman.*

Mr. Gould, from the committee on Ways and Means, made the following report:

Mr. President: The standing committee on ways and means, to whom was referred Senate bill for the relief of the present keeper of the penitentiary, have considered the same, and instructed me to report that they have examined the vouchers upon which he claims the sum of five hundred and twenty-five dollars, amount paid by him for advertising and apprehending criminals who escaped from the penitentiary, and find that he has paid out the sum of $515 45.

Your committee believe he should be paid for such extra work on the penitentiary as was authorized by the Governor, and that he should also be paid for the labor of such convicts as were pardoned by the Governor.

The committee recommends the passage of the bill, with the following amendments:

Strike out of the 2d section the words 'five hundred and twenty-five dollars,' and insert the words 'five hundred and fifteen dollars,' and by adding the following proviso to the 3d section:

Provided, that no payments shall be made for extra labor until he finishes his contract.

J. GOULD, *Chairman*.

Which report was read and adopted.

The bill accompanying it to be entitled an act to reimburse the present keeper of the penitentiary for money and labor expended by him for the benefit of the State, that were not required of him, by his present contract.

Was read a third time, as amended.

The question being on the final passage of the bill, as amended Mr. Flanagin called for the yeas and nays; which being ordered, were yeas 12, nays 9.

Yeas, Messrs. Burke, Chism, Clarke, Gould, Hampton, Maxwell, McClain, Mitchell, Reyburn, Underhill, Williamson, and Wilson—12.

Nays, Messrs. Black, Dickson, Flanagin, Mayfield, McCamy, Poindexter, Shaw, Simpson, and Watkins—9.

So the bill was passed.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a bill entitled an act to divide the seminary fund, and to establish common schools.

JOHN D. ADAMS,
Private Sec'y to the Governor.

Jan'y 5th, 1849.

Mr. McClain presented a memorial, signed by S. A. Worcester, Tho's Bertholf and William P. Ross, committee on behalf of the Cherokee Temperence Society, praying the General Assembly to enact laws prohibiting any citizen of the State of Arkansas, from selling any intoxicating liquors to any Indian or Indians, within the limits of the State of Arkansas.

Which was read.

Mr. McClain at the same time introduced a bill to be entitled an act to prevent the sale of ardent spirits to Indians.

Was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. McClain moved to amend the bill by adding the following proviso to the 4th section:

Provided, That this act shall not extend to persons who sell liquor to Indians when passing through the State on a journey.

Which amendment was read and adopted.

On motion of Mr. McClain, the rules of the Senate were dispensed with, the bill read a third time, as amended, and passed.

Mr. Underhill, from the committee on internal improvement, made the following report:

Mr. President: The committee on internal improvements to whom was referred House bill No. 166, to be entitled an act declaring Big Bayou Metre navigable, have had said bill under consideration, and have instructed me to report the same back without amendment and recommend its passage.

UNDERHILL.

Which report was read and adopted, and the bill accompanying it was read a third time and passed.

Mr. Hampton introduced a bill to be entitled an act further to define the duties of State Land Agent.

Which was read a first time.

On motion of Mr. Hampton, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Hampton, the rules of the Senate were dispensed with, the bill read a third time and passed, and transmitted to the House of Representatives for their assent.

The resolution from the House of Representatives, rescinding the resolution heretofore adopted by both houses, fixing the 8th day of January, 1849, for the adjournment *sine die* of this General Assembly.

Was taken up and read, and on motion of Mr. President, laid on the table for the present.

Mr. President resumed the chair.

The resolution from the House of Representatives instructing the Governor to ask the General Government to reimburse this State for an appropriation made to the Benton county militia called into service by Col. Wm. R. Ogden, in the month of July, 1846.

Was read a first time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, and the resolution read a second time.

And on further motion of Mr. Chism, the rules of the Senate were again dispensed with, the resolution read a third time and passed.

House bill No. 54, to be entitled an act for the relief of Gideon G. Pace, late sheriff and collector of the county of Benton.

Was read a first time.

On motion of Mr. Dickson, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Flanagin, the 3d section of the bill was stricken out.

On further motion of Mr. Dickson, the rules of the Senate were dispensed with, the bill read a third time, as amended, and passed.

House bill No. 182, to be entitled an act to amend the charter of the city of Little Rock.

Was read a second time.

Mr. Williamson was called to the chair.

Mr. President moved to amend the 5th section of the bill, to be entitled an act to amend the charter of the city of Little Rock, by striking out of the 5th and 6th lines, the words 'and a freeholder or householder therein, any law to the contrary notwithstanding.

Which motion was sustained.

On motion of Mr. Wilson, the rules of the Senate were dispensed with, and the bill, as amended, read a third time and passed.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a bill entitled an act respecting White river.

Also, an act to pay the Benton county militia called into service by Col. Wm. R. Ogden, in the month of July, 1846.

Also, an act to incorporate the College of St. Andrew.

Also, an act for the relief of William Arnett, late sheriff of Hempstead county.

J. D. ADAMS, *Sec'y to Gov.*

Jan'y 5th, 1849.

House bill No. 175, to be entitled an act concerning the sale of the sixteenth sections of land, or any part thereof.

Was read a second time.

On motion of Mr. McCamy, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. President resumed the chair.

On motion of Mr. Mitchell, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Saturday, Jan. 6, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

Mr. President ordered a call of the Senate, the roll being called, 18 senators answered to their names.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body that the House of Representatives have passed a bill to be entitled an act to provide for the sale of the saline lands.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have adopted a resolution raising a committee to act in concert with such committee as may be appointed on the part of the Senate to superintend the public burial of the remains of the Hon. A. H. Sevier.

The committee on the part of the House are Messrs. Trapnall, Smith, Mitchell, Fletcher, Stirman, Billingsley and Marshall.

In which resolution the concurrence of the Senate is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The resolution accompanying the above message, was taken up, read and concurred in by the Senate.

The chair appointed Messrs. McCamy, Gould, Clarke, Poindexter and Reyburn, a committee on the part of the Senate, to act in conjunction with the committee appointed by the Huuse of Representatives.

Message from the Governor, by John D. Adams, Esq. his private secretary.

EXECUTIVE OFFICE,
Little Rock, Ark.
Jan'y 6, 1849.

To the Senate of the State of Arkansas:

Sir:—An act to repeal so much of chapter sixty-one of the Digest as relates to secrecy of judges and clerks of elections, has been presented me for me approval.

From an early period, under the territorial goverament of Arkansas, and subsequently, under the State government, the custom of voting viva voce, had prevailed until the passage of the act of the 23d Nov., 1846, establishing the ballot system. Custom long adhered to, had preposesed the oldest inhabitants in favor of voting by word of mouth, or open tickets; but at the session of 1846, the increase of population from States voting by ballot, appear to have had the assendency in the Legislature, passed the bill containing the provision, proposed to be repealed by this act, which is essentially necessary to the ballot system. The expence and combrous *paraphanalia* of the ballot system is retained, and at the same time, the clerks and judges may or may not divulge a secret, which is the life of that system; for if there is any virtue in the ballot system, it is that the public may be kept ignorant of the predilections of voters; and that no excitement be raised concerning their choice after the vote is cast.

Having, as an individual choice, in the manner of voting after exercising its use for many years, a strong preferrence in favor of the viva voce system; I would not, during the existence of a differant mode, deprived it of all its virtues, and its advocates of every reasonable advantage in its exercise, whilst the law remain unrepealed on the Statute book. Nor would I be willing to place so much power for evil, in the hands of the judges and clerks, as that contemplated in the proposed repeal of that portion of their obligations: should the public voice call for a change in the law, I could have no objection, but to this partial, and very strang perversion of both modes, I do seriously object, and must withhold my approval.

THOS. S. DREW.

Which was read, and on motion of Mr. McClain, laid on the table for the present.

On motion of Mr. Clarke, leave of absence was granted Mr. Hampton for the balance of the session.

On motion of Mr. Dickson, leave of absence was granted Mr. Williamson for the balance of the session.

Message from the House of Representatives by the clerk.

Mr. President: I have the honor to present for your honor's signature an act to authorize the administratrix of James Pelton to sell real estate.

Also, an act concerning schools.

Also, an act for redemption of the county scrip of Benton and Newton counties, now at interest.

Also, an act to fix the terms of the circuit courts in the several judicial circuits in this State.

Also, an act to incorporate the town of Washington.

Also, an act to incorporate the Little Rock association of steamboat pilots.

Also, an act making certain appropriations to Alfred Wallace.

Also, an act to exempt Job M. Hale and Alfred Ashbrooks from the laws inforce in relation to hawkers and pedlers.

Also, an act for the relief of Jno. Quindly, sheriff of Conway county.

Also, a memorial to the Congress of the United States asking an additional salt spring with six sections of land adjoining the same.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. McCamy, the Senate took a recess until half after 12 o'clock.

At half past 2 o'clock, P. M., the Senate convened.

On motion of Mr. Hampton, the Senate took a recess until half past one o'clock, P. M.

At half past 1 o'clock, P. M. the Senate convened.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body, that the House of Representatives have passed the following resolution:

Resolved by the Senate and House of Representatives of the State of Arkansas, That the General Assembly receives with the deepest and the most profound regret, the sad information of the sudden and unexpected death of the Hon. A. H. Sevier, and unites in the universal mourning produced by the loss of the oldest and most honored public servant of the Territory and State of Arkansas.

That the name of A. H. Sevier is intimately identified with the history of Arkansas, and a part of the public Treasure of the State: and that as his generous, liberal, and noble nature endeared him to all who knew him, and cause all to lament his death—so his eminent talents and distinguished public services, will make his character a splendid mark for imitation to future generations.

That we tender to his bereaved and disconsolate family and relations, our cordial and sincere syspathy for their great and irreparable loss.

That the two Houses of the General Assembly, will attend the funeral. And the members and officers wear the usual badge of mourning, for the space of thirty days; and that the other public authorities and officers of the State, be requested to unite with us, in these most melancholy expressions of regret and regard for the distinguished dead.

Which are herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The resolutions were read, and on motion of Mr. Chism, unanimously concurred in by the Senate, and the House of Representatives informed thereof.

On motion of Mr. McCamy, the Senate adjourned, to attend the funeral of Hon. A. H. Sevier.

R. C. BYRD, *President*
of the Senate.

Monday, Jan. 8, 1849.

The Senate met pursuant to adjournment.

The chair ordered a call of the Senate; the roll being called, 20 Senators answered to their names.

Prayer by the Rev. Mr. Green.

The journal of Saturday was read and approved.

Message from the House of Representatives by the clerk:

Mr. President—I have the honor to inform your honorable body, that the House of Representatives have passed Senate bill No. 93, entitled an act to facilitate the liquidation of the Bank of the State of Arkansas, with sundry amendments, to which the concurrence of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Clarke, the resolution from the House of Representatives rescinding the resolution heretofore adopted by the two Houses, fixing the 8th day of January, 1849, as the day of adjournment *sine die*, of the present General Assembly,

Was taken up and read.

Mr. Chism moved to concur in the resolution.

Mr. Flanagin moved to amend the resolution, by fixing Wednesday January 10th, 1849, as the day for the adjournment *sine die.*

Mr. Maxwell moved to lay the resolution on the table for the present.

Upon which motion, Mr. Clarke called for the yeas and nays, which being ordered, were yeas 11, nays 9.

Yeas, Messrs. Black, Burke, Dickson, Gould, Maxwell, Poindexter, Reyburn, Underhill, Watkins, Williamson, and Wilson—11.

Nays, Messrs. Chism, Clarke, Flanagin, Mayfield, McCamy, McClain, Mitchell, Simpson, and Mr. President—9.

So the motion to lay the resolution on the table, prevailed.

Mr. Wilson introduced the following resolution:

Resovled, That the Senate of the General Assembly of the State of Arkansas, do heartily concur with his excellency, Thos. S. Drew, in placing his *veto* on the bill passed by the present Legislature of our State, in referrence to the distribution of the internal improvement fund. That in his upright and high minded course, he has set an example worthy the imitation of all firm patriots, and built up for himself a monument of true statesmanship as imperishable as time itself.

Which was read.

Mr. Gould moved to lay the resolution on the table.

Upon which motion, Mr. Wilson called for the yeas and nays, which being ordered, were yeas 16, nays 4.

Yeas, Messrs. Black, Burke, Chism, Clarke, Dickson, Gould, Maxwell, Mayfield, McCamy, McClain, Mitchell, Poindexter, Reyburn, Simpson, Watkins, and Williamson,—16.

Nays, Messrs. Flanagin, Underhill, Wilson, and Mr. President—4.

So the resolution was laid on the table.

Mr. Underhill, from the committee on internal improvements, made the following report:

Mr. President: The committee on internal improvements to whom was referred House bill No. 158, to be entitled an act to anthorize the several counties of this State to order and enforce the construction of levees, have had said bill under consideration, and have instructed me to report the same back amended as follows:

Amend the 19th section by inserting between the word 'clerk,' in the 13th line, and the word 'it,' in the 14th line, 'of the county court, it shall be his duty to certify to the next county court, and set forth the aggregate vote of each township, and in case a majority of all the magistrates of the county, voting by yeas and nays shall approve thereof.

All of which is respectfully submitted.

UNDERHILL, *Chairman.*

Which report was read and adopted, and the bill, as amended, was read a third time and passed, and returned to the House of Representatives.

On motion of *Mr*. McCamy, the message of the Governor, returning an act repealing part of the 61st chapter of the Digest, was taken up and read, and the question being stated from the chair, "shall the bill pass, notwithstanding the objections of the Governor."

The yeas and nays were ordered, and were yeas 10, nays 9.

Yeas, Messrs. Black, Clarke, Mayfield, McCamy, Mitchell, Reyburn, Simpson, Underhill, Watkins, and Mr. President—10.

Nays, Messrs. Burke, Dickson, Flanagin, Gould, Maxwell, McClain, Poindexter, Williamson, and Wilson—9.

A majority of the whole number of Senators elect, not voting in the affirmative, the bill was lost.

On motion of Mr. McCamy, leave of absence was granted Mr. Shaw, on account of indisposition.

Mr. McClain, on leave, introduced Senate bill No. 129, to be entitled an act supplemental to an act to distribute the proceeds of the 500,000 acres of land, donated to the State of Arkansas, by the United States for purposes of internal improvement.

Which was read a first time.

On motion of Mr. McClain, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. McClain moved a further suspension of the rules, that the bill might be read a third time.

Which motion was lost, and the bill ordered to a third reading on to-morrow.

On motion of Mr. Poindexter, the message from the House of Representatives was taken up and read.

The bill accompanying it was taken up.

The 1st; 2d, 3d, 4th, 5th, 6th, 7th and 8th, amendments of the House to it, were read and concurred in by the Senate.

On motion of Mr. Gould, the vote taken on concurring in the 3d amendment of the House, was reconsidered.

On motion of Mr. Gould, the Senate refused to concur in the amendment.

On further motion of Mr. Gould, Mr. President appointed Messrs. Gould, McClain, and Maxwell, a committee of conference, on the disagreement between the two Houses on said amendment; and the House of Representatives informed thereof.

Mr. Mitchell, from the committee on enrolled bills made the following report:

Mr. President: The committee on enrolled bills, have examined an act supplemental to an act to distribute the 500,000 acres of land donated to the State of Ark's for internal improvements, passed at the present session of the General Assembly of the State of Arkansas.

Also, an act concerning the printing of the Governors message and accompanying documents.

Also, an act supplemental to an act entitled an act providing for the collection of the revenue from certain counties.

Also, an act to change the time of holding the county court of Newton county.

Also, an act to incorporate the Pine Bluff and Hot Spring Turnpike company, and find the same correctly enrolled.

WM. C. MITCHELL; *Chairman.*

Mr. Flanagin introduced Senate bill No. 130, to be entitled an act to change the time of holding the probate court of Clark county.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr. Flanagin, the rules of the Senate were dispensed with, the bill read a third time and passed, and transmitted to the House of Representatives for their assent.

Mr. McClain introduced the following resolution:

Resolved, That the resolution heretofore adopted on the 1st December, requesting the President of the Senate to certify to the account of no absent member, be, and the same is hereby recinded.

Which resolution was read.

Mr. McClain moved to amend by inserting "those members leaving prior to the passage of the resolution".

Which motion was lost.

The question being on the adoption of the resolution, Mr. Mc-

Camy called for the yeas and nays; which being ordered, were yeas 8, nays 11.

Yeas, Messrs. Black, Dickson, Flanagin, Maxwell, McClain, Simpson, Watkins, and Wilson—8.

Nays, Messrs. Burke, Chism, Clarke, Gould, Mayfield, McCamy, Mitchell, Poindexter, Underhill, Williamson, and Mr. President—11.

So the resolution was lost.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have concurred in the resolution of the Senate, appointing a committee of conference, for the purpose of considering the amendment of the House, to 4th section of Senate bill, No. 93, entitled an act to facilitate the liquidation of the Bank of the State of Arkansas, and have appointed Messrs. Bertrand, Mitchell, and Berry, on said committee.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Burke, leave of absence was granted Mr. Reyburn, on account of indisposition.

Mr. President resumed the chair.

Mr. Watkins introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the joint resolution of both houses of the General Assembly, fixing on Monday, the 8th inst., for a final adjournment, be, and the same is hereby rescinded, and that the two houses of the General Assembly adjourn *sine die* on Tuesday, the 9th inst., and that the House of Representative be requested to concur herein.

Which resolution, the chair decided to be out of order.

On motion of Mr. Watkins. the resolution from the House, rescinding the joint resolution heretofore adopted, fixing the 8th day of January, to adjourn *sine die,* was taken up.

Mr. Flanagin moved to amend, by inserting, that both houses of this General Assembly adjourn *sine die* on Wednesday, the 10th inststant.

Which motion prevailed.

The resolution, as amended, concurred in by the Senate, and the House of Representatives informed thereof.

Mr. Gould, from a select joint committee, made the following report:

Mr. President: The joint select committee, who were instructed to cancel and file, according to law, all the State Bank bonds in the State Bank, and register all the Real Estate Bank bonds in said bank, have performed that duty, and have the honor to report that they have cancelled 116 State Bank bonds, to wit: 89 five per cent. and 27 six per cent., amounting to $116,000 00 principal, $40,136 36 interest, making $156,136 36, which bonds were enveloped in a package, sealed with the seal of the State, and filed in the Treasurer's office, on the 6th Jan'y, 1849, duplicate receipts for which were taken, and one receipt filed with the Auditor of Public Accounts, and one left in the bank; which bonds were referred to, on page 2, on the Financial Receiver's report, of the 6th Nov. 1848.

They also cancelled and enveloped in the same package, 5 coupons, amounting to $150 00, which is also referred to, on the same page of said report.

Your committee also registered 85 Real Estate Bank bonds, referred to, on same page of said report, a copy of which register has been filed in the State Treasurer's office. Your committee beg leave to State that the 85 bonds last mentioned only amounted, principal and interest, to $120,280 00, leaving a deficit of $1,490 00. The Financial Receiver satisfactorily explained to the committee, the cause of this deficit. It appearing that there were 86 Real Estate Bank bonds, at the time of making out his report, and that he exchanged 1 bond for State Bank paper, without making the corresponding change in the report. The Fnancial Receiver handed over to your committee the $1,490 00 in State Bank paper, which has been burned by the committee, to wit: in Fayetteville branch notes, $1,230 00; in Batesville do. $155 00; in Arkansas do. $100 00; in notes of the principal bank, $5 00.

J. GOULD, *of the Senate, Chairman.*
A. M. WILSON, *of the House, Chairman.*

Which was read and adopted.

On motion of Mr. Gould, the resolution from the House of Representatives, requesting the Governor to retain the Hon. William K. Sebastian, as counsel for the State of Arkansas, to represent her in the various cases, pending in the Supreme Court of the United States, in which she is either a party, or directly interested in the result, (laid on the table on the 23d day of December last, for the present), was taken up and read.

On motion of Mr. Gould, concurred in by the Senate.

House bill, No. 62, to be entitled an act to provide for the sale of the saline lands.

Which was read a first time.

On motion of Mr. Maxwell, the bill was laid on the table until the 4th day of July next.

Mr. McClain was called to the chair.

Mr. Clarke, on leave, introduced the following resolutions:

Resolved by the General Assembly of the State of Arkansas, That the route from Memphis via Little Rock and Fort Smith, on, along, and near the parallel of 35 degrees of north latitude, to the Bay of San Francisco, is believed to be the most practicable route for a Rail Road, connecting the valley of the Mississippi with that of Caifornia, on the Paciiic coast, of India and China, of any other now proposed; and that the Congress of the United States be invited to entertain the work.

Resolved, That the right of way be allowed to the United States for said purpose, through the State of Arkansas, from a point opposite Memphis via Little Rock, to Fort Smith, on the Indian line; and that all proper jurisdiction is hereby conferred upon the properly constituted authorities of the General Government, for the construction and future management and protection of said road, when constructed; and that the Secretary of State be instructed to transmit these resolutions to our Delegation in Congress.

Which resolutions were read.

On motion of Mr. Clarke, the rules of the Senate were dispensed with, and the resolutions read a second time.

And on further motion of Mr. Clarke, the rules of the Senate were dispensed with, the resolutions read a third time and adopted.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved and signed a bill entitled an act concerning the printing of the Governor's message and accompanying documents.

Also, an act supplementary to an act entitled an act providing for the collection of revenue due from certain counties.

Also, an act to change the time of holding the county courts of Newton county.

JNO. D. ADAMS, *Sec'y to the Gov.*

Mr. Flanagin introduced the following resolution:

Resolved, That the two houses of the General Assembly, will meet in the hall of Representatives, at 3 o'clock, on Tuesday, the 9th inst., and elect a Financial Receiver for the State Bank, at Little Rock, and an attorney for each of the branches of said bank, and Inspectors of the Penitentiary, and that the House of Representatives be requested to concur herein.

Which were read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the resolutions read a second time.

And on further motion of Mr. Flanagin, the rules of the Senate were dispensed with, the resolutions read a third time and passed, and the House of Representatives informed thereof.

Mr. Gould made the following report:

Mr. President: the committee of conference appointed to take into consideration the House amendment to the 4th section of Senate bill, No. 93, have agrred upon the following, as an addition to the amendment.

J. GOULD.

Add, by committee of conference, "and if such percentage does not amount to five hundred dollars, in any one year, a sum sufficient to make the attorney's pay five hundred dollars a year, shall be paid out of any moneys in the treasury, not otherwise appropriated.

Which report was read.

The question was then taken on its adoption, and was lost.

The amendment of the House, that the committee of conference had under consideration, was read and concurred in by the Senate, and the House of Representatives informed thereof.

On motion of Mr. Williamson, the Senate took a recess until 2 o'clock P. M.

At 2 o'clock P. M. the Senate convened.

Roll called, 16 Senators present.

On motion of Mr. Watkins, the vote taken on laying House bill, No. 62, to be entitled an act to provide for the sale of the saline lands, on the table until the 4th of July next, was reconsidered.

Mr. Wilson moved a call of the Senate, which motion was sustained, and upon calling the roll the following Senators answered to their names:

Messrs. Black, Burke, Chism, Clarke, Flanagin, Gould, McCamy, McClain, Mitchell, Poindexter, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—20.

On motion of Mr. Watkins, the further call of the Senate was suspended.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the amendment of the Senate to House bill, to be entitled an act for the relief of Gideon G. Pace, late sheriff and collector in and for the county of Benton.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill, No. 105, entitled an act to extend the time of opening books of subscription for stock in the Batesville and St. Francis Turnpike Company, and for other purposes.

Also, to Senate bill, entitled an act to incorporate the Phillips and Monroe counties Turnpike Company, incorporated 1838, with an amendment thereto, in which the concurrence of the Senate is respectfullo asked.

Also, to Senate bill, No. 21, entitled an act supplementary to an act to incorporate the Arkansas Rail Road and Transportation Company.

Also, to Senate bill, No. 108, entitled an act supplementary to an act passed at the present session of the General Assembly, for the purpose of distributing the internal improvement fund among the several counties of this Stâte, with an amendment; in which the concurrence of the Senate is asked.

All of which are herewith returned.

The House of Representatives have concurred in Senate's amendment to House bill, No. 49, entitled an act to incorporate the Southwestern and Arkansas Mining Company.

The House of Representatives have also concurred in Senate's amendment to House bill, No. 158, entitled an act to auihorize the several counties of this State to order and enforce the construction of Levies.

The House of Representatives have concurred in Senate's amendment to House bill, No. 188, entitled an act to incorporate the Van Buren and Fayetteville Turnpike Company.

Also, House of Representatives have adopted a memorial to the Congress of the United States, praying a donation of one-tenth of all the unappropriated lands; to be disposed of and used in such manner as the legislature of each State shall deem best calculated to carry out those objects.

In which the concurrence of the Senate is respectfully asked.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

Which message was taken up and read.

The amendment of the House to the bill of the Senate, entitled an act incorporating the Phillips and Monroe Turnpike company

Was read and concurred in by the Senate.

The amendment of the House to the bill of the Senate, No. 108, entitled an act supplementary to an act passed at the present General Assembly, for the purpose of distributing the internal improvement fund among the several counties of this State.

Wat read and concurred in by the Senate.

The memorial from the House of Representatives, asking Congress to donate one-tenth of all the unappropriated lands, to be disposed of and used in such manner as the Legislature of each State shall deem best calculated to carry out the objects of education and internal improvements.

Was read a first time.

On motion of Mr. Williamson, the rules of the Senate were disdensed with, and the memorial read a second time.

On motion of Mr. Chism, the rules of the Senate were dispensed with, the memorial read a third time and passed; and returned to the Houses of Representatives.

Mr. Chism was called to the chair.

On motion of Mr. Williamson, the vote taken on the passage of the bill, repealing a part of the 61st chapter of the Digest, under the head of Elections, notwithstanding the objections of the Governor thereto, was reconsidered.

The question "shall the bill pass, notwithstanding the objections of the Governor.

The yeas and nays were ordered, and were yeas 9, nays 10.

Yeas, Messrs. Black, Chism, Mayfield, McCamy, Mitchell, Simpson, Underhill, Watkins, and Mr. President—9.

Nays, Messrs. Burke, Clarke, Dickson, Flanagin, Gould, Maxwell, McClain, Poindexter, Williamson, and Wilson—10.

So the bill was lost.

Mr. Williamson moved a call of the Senate; which motion was sustained.

The roll was called, and the following Senators answered to their names:

Messrs. Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Maxwell, McCamy, McClain, Mitchell, Poindexter, Simpson, Underhill, Watkins, Williamson, and Mr. President—17.

On motion of Mr. Williamson, the further call of the Senate was dispensed with.

Mr. Gould introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the agent who may be appointed by the Governor to receive the assets of the Branches of the Bank of the State of Arkansas, be authorized and required to sell, at public auction, at the respective banking-houses of such branches, or at such other place as he may deem advisable, all the furniture, and other moveable property of said branches, except the assets; such sale to be made for cash; *Provided,* That he shall give at least 20 days notice of the time and place of such sale.

Which was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the resolution read a second time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, the resolution read a third time and passed.

On motion of Mr. Williamson, House bill, No. 62, to be entitled an act to provide for the sale of the saline lands.

Was taken up.

Mr. Williamson moved to dispense with the rules, and read the bill a second time.

Which motion was lost.

Mr. Flanagin introduced a bill to be entitled an act in relation to the Penitentiary house of this State.

Which was read a first time.

On motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr. Flanagin, the bill was referred to the committee on the Penitentiary.

Mr. Flanagin moved that the Senate adjourn.

Which motion was lost.

On motion of Mr. Gould, the Senate took a recess for twenty-five minutes.

The Senate convened.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body, that the House of Representatives, have concurred in the Senate's amendment to House resolution, fixing the day of adjournment for the General Assembly, *sine die.*

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have adopted the accompanying bill, to be entitled an act making certain appropriations for the years 1849, 1850, and part of 1848, and for balances due from the State, as substituted for Senate bill, No. 116, to be entitled an act making certain appropriations out of the Treasury.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Maxwell, from the committee on the Penitentiary, made the following report:

Mr. President: The standing committee to whom was referred a bill to be entitled an act in relation to the Penitentiary house of this State, have had the same under consideration, and a majority of said committee, have instructed me to report the same, without amendment, and recommend its passage.

D. MAXWELL, *Chairman.*

Which report was read and adopted, and the bill accompanying it was read a third time and passed; and transmitted to the House of Representatives for their assent.

Message from the House of Representatives by the clerk:

Mr. President: I have the honor to present, for your honor's signature, a bill to be entitled an act to incorporate the town of Bentonville.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The bill from the House, making appropriations for the years 1849, 1850, and a part of 1848, was taken up.

Which was read a first time.

On motion of Mr. Williamson, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Underhill, the bill was referred to the committee of the whole, and made the order of the day for to-morrow.

On motion of Mr. Underhill, the Senate adjourned until to-morrow morning, 9 o'clock.

R. C. BYRD, *President*
of the Senate.

Tuesday, January 9, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Green.

The journal of yesterday was read and approved.

Mr. Watkins, from the committee on memorials, made the following report:

Mr. President: The committee on memorials to whom was referred the memorial of John R. Hughes, on the subject of a geological examination of the State, have had the same under consideration and instructed me to report that in the opinion of the committee legislation on the subject, is at present unnecessary, and ask that the committee be discharged from further consideration of the same.

Respectfully submitted.

WATKINS, *Chairman.*

Which report was read, and on motion of Mr. Clarke, laid on the table for the present.

The Senate resolved itself into committee of the whole on the bill of the House of Representatives, to be entitled an act making appropriations for the years 1849, 1850, and part of the year 1848, and for balances due from the State.

Mr. Williamson in the chair.

After sometime spent therein the committee arose and reported the bill back to the Senate, with sundry amendments thereto, all of which were read and concurred in by the Senate.

On motion of Mr. McClain, that part of the 38th section of the bill allowing compensation to J. Waltman and John Robins, was reinstated.

Mr. Wilson introduced the following amendment:

That the principal and assistant clerk of the House of Representatives, be allowed the same per diem pay that they received at the last session of the General Assembly.

Which was read.

The question being on its passage, Mr. Gould called for the yeas and nays, which being ordered, were yeas 10, nays 9.

Yeas, Messrs. Black, Chism, Clarke, Dickson, Maxwell, Mayfield, McCamy, Mitchell, Reyburn, and Wilson—10.

Nays, Messrs. Burke, Flanagin, Gould, McClain, Simpson, Underhill, Watkins, Williamson, and Mr. President—9.

So the amendment was adopted.

Mr. Chism offered the following amendment:

Amend the 41st section by inserting $100, in place of $40, and that $500 be appropriated to erect a tomb-stone over the remains of the Hon. A. H. Sevier.

Which were read and adopted.

Mr. Gould offered the following amendment:

Strike out the 26th section, and all that part of the bill making compensation to the chaplains of the Senate and House of Representatives $100 each.

Which was read.

The question being on its passage, Mr. Gould called for the yeas and nays; which being ordered, were yeas 8, nays 11.

Yeas, Messrs. Burke, Gould, Mayfield, McCamy, Mitchell, Simpson, Watkins, and Williamson—8.

Nays, Messrs. Black, Chism, Clarke, Dickson, Flanagin, Maxwell, McClain, Reyburn, Underhill, Wilson, and Mr. President—11.

So the amendment was lost.

Mr. Gould offered the following amendment:

Sec. —. *Be it further enacted*, That the sum of $2,500 be, and the same is hereby appropriated to pay for repairs to the State House, to be drawn under the direction of the Secretary of State.

Which amendment was read and adopted.

The bill, as amended, was read a third time and passed.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: the committee on Enrolled bills have examined an act to facilitate the liquidation of the Bank of the State of Arkansas, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the amendment of the Senate to House bill No. 102, to be entitled an act for the relief of Thomas B. Baker, of Randolph county.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate fixing to-day, at 3 o'clock P. M., for going into election of Financial Receiver and Bank Attorney for the State Bank.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Flanagin introduced a bill to be entitled an act in relation to elections.

Was read a first time.

On motion of Mr. Flangin, the rules of the Senate were dispensed with, and the bill read a second time.

And on motion of Mr. Flanagin, the rules of the Senate were dispensed with, and the bill read a third time and passed, and transmitted to the House of Representatives for their assent.

Mr. Flanagin was called to the chair.

Message from the House of Representatives by the clerk.

Mr. President: I have the honor to present for your honor's signature, an act to incorporate the Princeton Male and Female Academy.

Also, an act for the relief of Gideon G. Pace, late sheriff and collector in and for the county of Benton.

Also, an act concerning the sale of the sixteenth sections of land or any part thereof.

Also, a resolution for the relief of James Lawson.

Also, an act for the benefit of the hiers at law of Avanilla Beaty, late Avanilla Davis, dec'd, of the county of St. Francis.

Also, a memorial to Congress praying a reimbursement of certain appropriations made by this State to the Benton county volunteers.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Clarke, the report of the committee on memorials, accompanying the memorial of John R. Hughes, was taken up, read, and adopted.

Senate bill No. 129, to be entitled an act supplemental to an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas by the United States for purposes of internal improvement.

Was read a third time and passed, and transmitted to the House of Representatives for their assent.

House bill No. 62, to be entitled an act to provide for the sale of the saline lands.

Was read a second time.

Mr. Wilson moved to lay the bill on the table until the 4th day of July next.

Mr. Clarke moved to dispense with the rules of the Senate, and read the bill a third time.

Upon which motion, Mr. Underhill called for the yeas and nays, which being ordered, were yeas 9, nays 8.

Yeas, Messrs. Black, Chism, Clarke, Dickson, Mayfield, McCamy, Mitchell, Simpson, and Watkins—9.

Nays, Messrs. Burke, Flanagin, Gould, Reyburn, Underhill, Williamson, Wilson, and Mr. President—8.

Two thirds of the Senators not voting in the affirmative, the motion to suspend the rules was lost.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval an act to facilitate the liquidation of the Bank of the State of Arkansas.

MITCHELL, *Chairman.*

On motion of Mr. Gould, the Senate took a recess until 2 o'clock, P. M.

At 2 o'clock, P. M., the Senate convened.

Mr. Gould, from the joint committee on banks, made the following report:

The committee on banks, to whom was referred so much of the Governor's message as refers thereto, and various resolutions of the House, on the same subject, have had the same under consideration, and beg leave to report, that when the act of liquidation went into force in 1843, that the assetts of the bank amounted to the sum of $1,832,120 45; and was sufficient, at that time, to redeem the circulation and pay off the bonds.

On the 6th of Nov. 1848, according to the reports, there was due for bonds $1 486,847 50; the paper not yet redeemed is $83,427 50; and according to the report of the agent, the whole amount of available assetts do not exceed $750,000 or $800,000, leaving a deficit of at least $600,000, which will have to be raised by taxation of the pockets of the people.

This is owing first, to the withdrawal by the Legislature, of the funds of the bank in 1842 and 1844, to pay themselves, and the ordinary expenses of the government, by which the bank was deprived of a large amount of money, and of the only means of defending herself against the judgment rendered against her, and by which all of her real estate has been sold and sacrificed for one twentieth of its value.

And 2d, that the Real Estate Bank paper has been sold at the market price to raise means to pay the salaries of the bank officers, and the expenses of the bank. In the last two years the expenses, salaries, &c., have been $13,425 36, for which $50,191, of bank paper has been sold.

To raise the $9,500 appropriated for the rebuilding of the penitentiary, $37,690 of the bank paper has been sold, without the authority of law therefor, known to your committee, and to pay the the printing of the acts, &c. of the last General Assembly, amounting to $4,667 19, in good funds, $18,149 36 of bank paper has been sold.

Whatever may be the value the bank paper in the market, every dollar of it in the vaults of the bank is a dollar to the State; and to raise the amount of $13,425 36 for bank officers and expenses; $9,500 for the penitentiary, and $4,667 19 for printing, the means of the bank and State to the amount of $106,030 36, have been used.

Much of the loss is attributable to the cumbrous and inefficient system of liquidation, and the number officers employed in it, and to the negligence and carelessness which is the natural result of such a system.

From the various other duties which have been imposed upon your committee, they have not had time to make a thorough examination of the bank at Little Rock, but the committee have counted the cash assets as reported by the Financial Receiver on the 6th Nov. 1848, and found the same to be in accordance with his report. Your committee propounded sundry questions to the financial receiver, which questions with his answers and amended answers are herewith submitted and made a part of this report.

To protect the State from imposition, to guard the interest of the bank, and to provide landmakes which might facilitate an examination of the bank, above all, to furnish the proper officers of the State and Legislature, with the actual condition of the bank at their intervals, various laws have been passed, from time to time, calculated and intended to effect that object. In requiring the notes of the bank to be burned when the sum $10,000 is on hand. In requiring the financial receiver to make a statement of the assets to the Gov. for months, and fixing a severe penalty every 4 its violation. On of 23d Dec. 1846, requiring the financial receiver to make out a list of the individual indebtedness due the bank setting out the name of every debtor, and whether the same was good, doubtful or bad, and have the same before the General Assembly at its next meeting, and fixing a fine of not less then $1000,00 for a failure to do so. And one of still more magniture and importance requiring the financial reciever, in cases of redeeming or receiving State bonds in exchange for bank notes to cancel and file the same with the treasurer, and to file one of the treasurer's receipts with the auditor; and also, that the financial receiver should take duplicate receipts from the person from whom any bonds are redeemed, showing the amount paid for interest on such bonds, one of which receipts he shall file with the auditor.

The importance of complying with the laws must be obvious to all. The provisions of the first mentioned, have not been regarded as the financial receiver says the committee to burn bank notes, did not meet; the provisions of the second were disregarded, because, as the financial receiver says, the Governor did not make a requisition for the statement, but no valid excuse has been or can be made for a failure to comply with the requisitions of the 3d and 4th last mentioned laws. And what appears equally strange to your committee is the first that, although within the last two years, the financial receiver has exchanged more than **$100,000 00** in bank notes for State bands, yet no entry is made on the books of the bank of the time of their exchanges, with whom the same was made, or how much was allowed for interest on the bonds. If the only effect of the failure to make an entry on the books of the bank of the exchanges of notes for bonds, and to comply with the plainest requisitions of the law, were to cause in the minds of any, a suspicion that the financial receiver had not delt fairly with the bank, or executed faithfully the high trust reposed in him, your committee would not advert to the subject, but the whole transaction relative to the exchange of notes for bonds is a sealed book to your committee, and while they cannot say that the State is loser by this violation of laws and common usage, yet the financial receiver has cut off every means of detecting an error, to use no harsher term, and prevented the committee bestowing a compliment, if he deserved it.

It appears that the financial receiver exchanged notes, or in other words traded with himself for bonds in exchange for notes, and, as in other cases, no record of the transaction was kept on the books of the bank. It also appears that the financial receiver has been extensively engaged in a brokerage of notes and bonds, and while your committee would not presume to interfere with the private transactions of an individual, yet they think the interest of the State would be best subserved by an officer who abstained entirely from all dealings in funds, and particularly from trading with himself.

When Capt. Patrick, the Bank Agent appointed, made his examination in June, there seemed to have been an unexecuted contract for 44 bonds, amounting to $61,150; and the bonds were in bank, and counted by Capt. Patrick, as so much money. The paper which was to be exchanged for these bonds, seems not to have been counted by the agent.

The contract, according to the report of the Receiver, was not concluded until the 6th of Nov., 1848.

This arrangement was made with A. E. Thornton, individually.

The whole transaction is unique and singularly illustrative of the careless manner in which the business of the bank has been conducted.

Here is a contract for 44 bonds, amounting to $61,150, made by the bank officer with himself; and is 6 or 8 months (how much longer cannot be ascertained) in process of completion, and no entry of it is made in the books of the bank, in which all the transactions of, and every cent paid or received by the bank, is to be recorded.

When the agent comes to make an account of the assets, the bonds which did not belong to the bank, and which the bank did not obtain a right to for six months after, and rendered as so much of the assets of the bank, and the paper which did belong to the bank, never was counted by the agent, or taken into the estimate.

Why was this contract unexecuted?

When the agent made his examination, the bonds belonged to A. E. Thornton, or were in his hands as agent, and was in bank. The money was there, or ought to have been there, to exchange for them; and the paper was worth more in the market than the bonds. If it was a fair transaction, there is a mystery about it that is inexplicable.

There is one thing clear; that is, that the interest on the bonds, from April to November, was $1,370, which the State may have lost, and the owner of the bonds has made.

But if the Financial Receiver had a desire to make a speculation at the expense of the State, he certainly might have done so, without the fear of conviction, as all the positive evidences of the fact, were known to him alone; and all the evidences which the law required that he should furnish, for the security of the State, were uniformly cancelled.

The committee would further remark, that the law authorizes the Financial Receiver to take State Bank bonds in payment of debts, and in exchange for Real Estate Bank paper, although the State Bank paper may not be all redeemed, and thereby not only withholding authority to redeem Real Estate bonds, but by significant implecation, interdicting it.

The receipt of them, has had the effect, which it was the intention of the Legislature to prevent, by refusing authority therefor; and that is to keep the State Bank paper in circulation; whilst $301,000 have been collected in the 2 years, only $38,210 have been received in State Bank paper.

The questions here following, were propounded by the Bank committee, to A. E. Thornton, the Bank Recever, at Little Rock, some three weeks since, and by him shortly thereafter answered. Within the past few days, he asked permission of the committee to explain some of his answers to the questions propounded.

The chairman permitted the Receiver, in compliance with his request, to take the original questions and answers, that he might look over them, and make to the committee the explanations he desired.

The Receiver, in many cases, has extended and changed his answers, and in some cases obliterated the answers originally made. The committee, at some pains, have restored the obliterated portions, and report the amended answers and explanations, as an appendix to the original.

At page 3 of the original, the Receiver furnishes new answers to questions, 8, 9 and 10—see paper marked appendix, No. 1.

At page 4 of the original, the receiver furnishes a new answer to question 11—see paper maked appendix, No. 2.

At pages 4 and 5 of the original, the Receiver furnishes an answer to question 13; and at page 5, he furnishes a new answer to question 14, and an amended answer to question 15—see paper marked appendix, No. 3.

To question 17 of the original, at page 6, the Receiver obilterates entirely the first answer made, and furnishes one in these words, "not any more," which the committee have stricken out, and reproduced the original answer here, furnishing the amended answer of the Receiver.

To question 18 of the original, at page 6, the Receiver obliterates a portion of the first answer, so as to make it read, "the Financial Receiver answers that no such bill of exchange has been taken by him."

Bank committee to Financial Receiver:

State how and where are the salaries of bank officers paid; at what times, and in what funds; when was the amount of $6,666 64, referred to in the report of Capt. Patrick, paid to the attorney and receiver at the Post.

For an answer to the above, the committee is referred to accompanying statement, No. 1.

2d. What amount of Real Estate Bank paper has been exchaned, since the report made to the Legislature; with whom has the exchange been made, and for what has it been made? Has any account been kept in the books of the bank of the exchanges; and of the persons with whom the exchange has been made, and what has been received in exchange.

Without attempting to give precisely the amount, he would say about the sum of $200,000.

And rec'd for it in State Bank bonds, about	$120,000	
" in Real Estate bonds, about	78,000	
" in State Bank and Br. paper, say	2,000	—$200,000

No account has been kept in the bank books of these exchanges, nor does the names of the parties, from whom received, appear of record, as the Financial Receiver has not been furnished with a clerk, he has not kept as many books as he otherwise would have done. Always supposing, however, that if he had in hand and was ready to present, at all times, the full amount, and in better funds than he had received, that it would be satisfactory.

3d. What amount of Real Estate Bank paper has been sold since the time aforesaid? who made the sale? at what rate was it sold, and when? has a regular account been kept in the books of the bank? and if so, produce it? how much of said paper was sold for specie, and what has become of said specie?

Answer: Including a judgment paid to Judge Oldham, under arrangement of bank attorney; a remittance to Batesville to pay costs; and perhaps some other items, not included in my statement to the House of Representatives a few days since; that statement being made up from the vouchers before me, mainly for bank officers; but including now, every item for which Real Estate Bank paper has been sold for specie, as well as every case where Real Estate Bank paper has been paid to the bank creditor, to satisfy a specie claim; the amount of Real Estate Bank paper, thus sold, amounts to the sum of $47,722 84. The sales were made by the financial receiver, at rates varying from 25 to 30 cents to the dollar, and at such times, during the last 2 years, as to provide the necessary amount of specie to pay the claims as they fell due and were produced; and entries, embracing in the whole, the amount of such sales are made in the books of the bank, here presented. The specie realized from said sales of Real Estate paper, has been paid out to defray the expenses of the bank, particular entries of such payments being made in the books of the bank, and vouchers here presented.

4th. What amount of notes of Real Estate Bank paper are on hand.

None—all having been exchanged for State Bank paper, bank bonds, or sold for specie to pay expenses.

5th. What amount of State Bank paper is on hand?

Including amount reserved for revenue, say $103,930 80.

6th. What amount and number of State Bank bonds are on hand?

116 bonds, amounting to $156,136 36.

7th. What amount and number of Real Estate Bank bond are on hand.

85 bonds, amounting to $121,770 00.

☞This estimate has been made up hastily.

8th. When were these bonds received, and of whom were they received?

The bonds have been received at different times, up to this date, 11th Dec., '48; no entries being made in the bank books of the exchanges, the particular dates are not given, except in receipts of payments of debts; most of the bonds were received during the months of April and May, 1838, and some were received on 27th Oct., '48. The larger portions of these bonds have been received from Col. T. W. Newton, and from A. E. Thornton.

9th. In what funds has the curtail and interest of the bank been paid? in bank paper, bonds, or specie, at the market value; and how much has been received in specie, and at what value, and what disposition has been made of the specie; has that specie been converted into paper or bonds, if so, who done it, and has an account been kept of it.

The curtail and interest of the bank, has generally been paid in Real Estate Bank paper; State Bank paper and some bonds have been received. In no instance, that the financial receiver recolllects, has such payment been received by the bank in specie, except one; an entry of which is in the bank books, and the specie now on hand, except what may possibly have been expended for the bank.

10th. What has been the expenses of the bank and branches, since the report to the last Legislature?

No definite account of the ordinary expenses of the branches having been made, the financial receiver can only state an amount that he believes to be nearly correct—say, for the 2 years last past, specie, $13,425 36, worth in Real Estate Bank paper, $50,191 00.

Say, at Little Rock, specie, $11,687, worth in Real Estate paper, $43,280 00.

At Batesville, specie, $21 13, worth in Real Estate Bank paper, $70 00.

At Fayetteville, specie $50 00, worth in Real Estate Bank paper, $175 00.

At Arkansas Post, specie, $1,666 66, worth in Real Estate Bank paper, $6,666 00.

Last item for salaries of Bank officers, as before noticed.

11th. With whom was the contract for 44 bonds made, when was it made, when was it completed, what was given in exchange? Is there any entry in the books of the bank of the transaction?

The contract was made with A. E. Thornton, at different periods, previous to 12th June, 1848, and was completed 1st Nov., 1848. Real Estate Bank paper was given in exchange. No entry is made in the bank books; the bonds being deposited in bank, when the contract was made.

12th. Has any State Bank paper been disposed of by the bank, since 31st Oct., 1848?

None.

13th. Under what law was the exchange of Real Estate Bank paper made.

Under the 2d sec. of an act making appropriation for the years 1845 and 1846, and part of the year 1844, &c., which became a law the 10th Jan'y, 1843; also, the 31st sec. of an act to place the Bank of the State of Arkansas in liquidation, approved 31st Jan'y, 1843; as well also, as under the discretion given to the bank officers, in those clauses of the the several acts of liquidation, which seem to direct the attention of the officers to such a course as will best promote the interests of the bank; and the financial receiver might further add, that the officers of the Real Estate Bank have promised that they will give us State Bank bonds, or State Bank paper, in exchange for Real Estate bonds, or Real Estate paper whenever they shall have any on hand.

14th. Does the law provide for a committee, whose duty it shall be to burn the State Bank paper, when $10,000 shall have been collected, if so, who are they, and have they performed that duty?

The 16th section of the liquidation act of 1842, provides that said paper shall be burned, in the presence of the Treasurer, by the officers, whenever $10,000 shall have been collected. But the 10th section of the general appropriation act of 1844 and 1845, provides that such bank paper shall be publicly burned, in the presence of Governor, Secretary of State, Bank Receiver, Auditor, and Treasurer of the State. Such committee has never met to burn the State Bank paper, in possession of the bank, since the 10th of June, 1845, when they met and burnt a portion then on hand. The law requiring the paper to burned, seems to have been difficult to comply with, as Mr. Crease, the former receiver of this bank, had on hand, and turned over to me, when he went out office, upwards of $50,000 of State Bank paper.

15th. Has a record been kept of the money received in the payment and renewal of debts, as they occurred, and were paid into bank. Has the same kind of money been paid into bank that was received.

A record has been kept in the books of the bank, of all the moneys received in payment. If the committee mean to ask if the same kind of money received by him, in his official capacity, as bank receiver, was paid into the bank, he answers, that it was. He would remark, however, that in the exercise of a private agency, either for himself or others, he has sold or exchanged bank paper, which were private funds of bank debtors for other funds; and when said paper was sold to them, they have frequently paid it on their debts in bank.

16th. In the receipt of bonds, has the receipts been taken from the persons from whom the bond was taken, showing amount of principal and interest received, and has such receipts been filed.

Receipts have not been taken; the financial receiver not thinking it absolutely necessary; and in some instances, it could not be procured as the parties are not present.

17th. Up to what time has the interest on the bonds been calculated, and from what period?

Up to the time when they were received by the bank as her absolute property; and from the period at which the interest commenced running on the bonds—on the 5 per cent. State Bank bonds, from the 1st January, 1842; and on the 6 per cent. bonds, from the period, 6 months previous to the falling due of the last coupon attached.

18th. Has any more Real Estate Bank paper been sold than was necessary to defray the expenses of the bank?

Not by the financial receiver, in his official capacity.

19. Has not bills of exchange been taken from the debtors of the bank, at 30 cents on the dollar, in renewal of their notes in bank, if so, to what amounts, and from whom? and have not bonds been placed in the bank to answer these amounts, if so, how are these bonds obtained?

Taking it for granted, that the question is asked in reference to his official acts, the financial receiver answers, that no such bills of exchange have been taken by him..

20th. How much Real Estate paper has been exchanged with T. W. Newton, cashier of the Real Estate Bank for bonds; what amount of Real Estate paper was exchanged with A. E. Thornton. Give the amount of bonds received in each case.

$64,208 36 of Real Estate paper has been exchanged with Col. T. W. Newton, for the same amount of bonds; and about the sum of $100,000 has been exchanged with A. E. Thornton, as agent for others, for the same amount of bonds.

21st. Did not Mr. Newton propose to make an exchange for a much larger amount than the State Bank had the means of making?

He did in Real Estate bonds, but not in State Bank bonds.

22d. Was this exhange made (and proposed to be made) by Mr. Newton, on account of State Bank bonds or Real Estate Bank bonds?

The exchange made, was in 21 bonds, issued for the State Bank; and 25 bonds, issued for the Real Estate Bank; and the exchange proposed to be made, was in Real Estate Bank bonds.

23d. Was the contract of A. E. Thornton for the exchange of State Bank or Real Estate Bank bonds, or for borth, if so, state the amounts of each; and state the dates when the exchanges were made?

The exchanges were for both kinds of bonds. The largest portion were State Bank bonds. The particular dates and amounts not now recollected.

24th. State the market value of the bonds, when the exchanges were made; and the market value of the paper.

The market value of bonds, and the market value of Arkansas paper, have generally been about the same, and I suppose were the same, at the dates of the several exchanges—very small lots of Arkansas Bank paper, sometimes, perhaps, commanding a price a shade higher, than a lot amounting to a bond and its interest.

25th. In exhibit A., it is stated that 85 Real Estate Bank bonds received partly for Real Estate paper. What else was paid foi them, what account is made of this transaction in the bonds of the bank? With whom was this exchange made? What right, or by what law were these bonds taken?

The 85 Real Estate Bank bonds, mentioned in exhibit A., included all on hand, that had been received in exchange for Real Estate Bank paper, and about which answers have been heretofore given; and such as had been received in payment of debts, or transmitted as assets from the branches.

No Real Estate Bank bonds were taken at this office, until they had been taken at the branches, and transmitted here; a portion being on hand; inquiry was made of the officers of the Real Estate Bank, of the chances for exchanging bonds and paper with them, from whom the financial receiver was encouraged to believe, that there would be no difficulty in exchanging them for bonds or bank paper, issued for the State Bank; and further, as the bonds draw 6 per cent. interest, they were believed to be better funds for this bank to have on hand than R. E. B. paper.

26th. On page 18, of the Bank Agents report, it is stated there is in bank, $129,303 07 in Real Estate Bank paper and bonds; which the receiver expects to exchange for State Bank or Real E. Bank paper. From whom was this paper and these bonds received? Did they belong to the bank? have they been exchanged, and with whom?

It will be noticed, that in exhibit D., in the report of the Bank Agent, there is represented as being on hand, $85,680 87 in notes of the Real Estate Bank; and 81 bonds, amounting to $106,300 27; a portion of which were Real Estate Bank bonds. This item of $129,303 07 alluded to, was made up of the $85,680 87 Real E. Bank paper, and the balance in Real Estate Bank bonds, being a part of the 81 bonds there represented as being on hand and owned by the bank. The same bonds have been run into my exhibit to the present legislature.

In exhibit G. it is stated there is 60 R. E. Bank bonds in the hands of this officer, which are expected to be exchanged for State bonds. From whom were these bonds received, and what for? under what law were they received.

The 60 bonds here mentioned, in a statement I made out for the bank agent just before the opening of the Legislature, included the bonds alluded to in my last answer here above, and being added to the 25, received as before stated from Col. Newton, makes up tne 85 R. E. Bank bonds, as exhibited in table A. in my report to the Legislature.

28. Has any report been made to the Legislature as required by the act of 23d Dec. 1846.

The act alluded to, or which the financial receiver supposes to be alluded to, seems to contemplate that the Governor shall call upon the financial receiver for such report, and when made, the Governor shall lay the same before the General Assembly. The Governor has not seen proper to call upon the financial receiver at Little Rock, for such information, and consequently a report has not been made to him, except so far as some general information in relation to this subject has been made to the Gov'r, and to the Legislature, through the report of Capt. Patrick. bank agent.

The fact that the report of the bank agent presents some general information upon this subject, and the Governor, as I suppose, not deeming it necessary to call on the receiver for such information, and not calling for it, together with the difficulty of making out a list of the individual indebtedness, that would present correctly all the information that seems to be sought for in that law—these facts as the receiver hopes, will be a satisfactory reason for the course he has pursued.

29. Has a statement of the assets of the bank been made to the Governor, every four months, as required by the 16th section of the act of the 10th Jan'y, 1845, page 50.

Separate reports to the Gov'r, have not in every instance made out regularly every four months. The financial receiver having made a general and full report to the bank agent last spring; and then to the Governor in Oct., and to the Legislature in November, he supposed that these would be regarded as a sufficient exhibit of the affairs of the bank.

The financial receiver would remark, not only in referrence to the subject matter of this last inquiry, but in referrence to the one immediately preceding it, as well as in referrence to other duties that may seem to be required of him—that sickness on the part of himself and family at some periods, and necessary absence from home at another; and not being provided with a clerk to aid him at any time, are reasons that have operated to make it impossible for him to perform all the duties, minutely, that may seem to be required of him. He is not aware however, of having omitted to perform any duty, the neglect of which has operated to the prejudice of the bank, or could have injured her interests.

Are not some of the bonds now in bank the same that were purchased by A. E. Thornton in his individual capacity, and not as bank agent?

Some of the bonds bought by him are now in bank.

Who owned the 44 bonds for which the contract was made?

They were owned by different private persons, and placed in my hands as their agent.

Has he not in his individual capacity, not as bank officer, been in the habit of buying bonds?

He has bought a few lots of bonds for himself and others.

Has he not in his individual capacity, not as bank officer, taken specie from the debtors of the bank, and bills of exchange, and paid their dues in bank.

In some cases he has!

If so, at what rate was the paper of the bank estimated?

At various rates, from 25 to 30 cents.

Has he not as an individual, and not as bank officer, been in the habit of selling the bills of the two banks, if so, at what rate did he sell them?

He has sold several lots of Arkansas paper, in some cases of both banks, at rates varying from 25 to 30 cents.

APPENDIX NO. 1.

8. When were those bonds received, and of whom were they received. The bonds have been received at different times up to this date; no entries being made in the books of the bank of the exchanges, the particular dates are not given, except when they were received in payment of bank debts, or transmitted from the branches. Most of the bonds were received during the months of April and May, 1848, and the particular dates counted to Capt. Patrick, bank agent; and more bonds were received 27 Oct. 1848. The largest portion of these bonds have been received from Col. T. W. Newton, and from other persons through the agency of A. E. Thornton.

9. In what funds has the curtail and interest of the bank been paid? In bank paper, bonds, or specie at the market value; and how much has been received in specie, and at what value, and what disposition has been made of the specie, has that specie been converted into paper or bonds, if so, who done it, and has an account been kept of it?

The curtail and interest of the bank has generally been paid in Real Estate Bank paper—some State Bank paper, and some bonds have been received. In no instance that the receiver recollects, has such payment been received to the bank in specie, except one, and an entry of which is in the bank books, and the specie now on hand.

10. What has been the expense of the bank and branches since the report to the last Legislature? No definite account of the ordinary expenses of the branches having been made, the financial receiver can only State an amount that he believes to be nearly correct, say, for the two years last past—specie $13,425 36, worth in Real Estate paper $50,191 00, viz:

Say at Little Rock,	specie	$11,687 57,	worth in bank p.		$43,280 00
" Batesville	"	21 13,	"	"	70 00
" Fayetteville	"	50 00,	"	"	175 00
" Ark's Post	"	1,666 64,	"	"	6,666 00
As above,		$13,425 36,	As above,		$50,191 00

The last item for salaries of bank officers.

APPENDIX NO. 2.

11. With whom was the contract for 44 bonds made, when was it made, when was it completed, what was given in exchange? Is there any entry in the books of the bank of the transaction?

These bonds were received through the agency of A. E. Thornton, previous to 12th June 1848. Real Estate Bank paper was to be given in exchange for a portion being advanced when the bonds were deposited, and the balance to be paid the 1st Nov. 1848; on this day the bonds were to belong to the bank, unless redeemed with State Bank paper, so far as advances had been made. As the bonds were deposited in bank, with a proper memorandum on the packages, no entry was made in the books. None of those bonds were redeemed by the owners, consequently the payment for them in Real Estate Bank paper was completed on the 1st Nov. 1848, and they have been held ever since, and are now on hand as the property of the bank.

The financial receiver will remark, that being required by law to pay out Real Estate paper for bonds, if he had opportunity, when he could not make a positive contract, he never failed to make such a conditional one as could likely be consummated at a future day, for the benefit of the bank. This arrangement for 44 bonds, of this character, it was consummated to the benefit of the bank.

APPENDIX NO. 3.

Bank officers, whenever $10,000 shall have been collected. But the 10th section of the general appropriation act of 1844 and 1845, provides that such bank paper shall be publicly burned in the presence of the Governor, Secretary of State, Bank Receiver, Auditor and Treasurer of the State, after liquidating certain liabilities of the State, which were payable in State Bank paper. The financial receiver has not been informed that these liabilities have been liquidated, and consequently no duty required by law has been violated by omitting to burn the money. Some of the committee have assigned this as a reason why they have not attended to burning the money. The burning committee have not met to burn the State Bank paper since the 10th June, 1845, when they met and burned a portion then on hand. The law requiring the paper to be burnt seems to have been difficult to comply with, as Mr. Crease, the former receiver of this bank, had on hand, and turned over to me when he went out of office, upwards of $50,000 of State Bank paper, since the last burning I have frequently endeavored to get the committee to burn this money, but have not been able to do it.

14. Has a record been kept of the money received in the payment and renewal of debts, as they accrued and were paid into Bank? Has the same kind of money been paid into bank that was received?

A record has been kept in the books of the bank of all the moneys received in payments; and the same moneys were paid into bank which were received. The receiver would remark however, that in the exersise of a private agency in the sale of private funds, Arkansas paper has been sold to bank debtors and others, to accommodate them; and in some cases this same paper has been paid by them into bank on their bank debt.

15. In the receipt of bonds, has receipts been taken from the persons from whom the bond was taken; showing amount of principal and interest received, and has such receipts been filed.

Receipts have not in every instance been taken; in some cases the habit of dealing in the bonds and bills of the two banks by the financial receiver at Little Rock, and taking specie from the debtors of the bank, necessarily operate to prevent a reduction of the circulation.

The ulmost exactness and attention to all the duties prescribed by law, is absolutely necessary on the part of all officers, who have the control of the finances of the State; if this rule of sound policy is not strickly observed, the interests of the State can never be secure.

The committee are satisfied that radical reform in the administration of the officers of bank, is imperiously called for: and that its officers should be compelled to perform, rigedly, the duties imposed on them, and no omission should be tolerated, and especially that buying and selling, and every species of brokerage, should be emphatically interdicted.

J. GOULD, *Ch'n of Senate com.*
F. W. TRAPNALL,
C. P. BERTRAND,
E. H. FLETCHER,
A. W. WILSON,
Ch'r House committee.

The following communication made by the receiver, to the House of Representatives in answer to a resolution of the House, accompanied the report of the committee.

RECEIVER'S OFFICE,
Little Rock, Ark.
Dec'r 7, 1848.

To the Senate and House of Representatives of the State of Arkansas:

GENTLEMEN: Having been furnished this day, with a copy of a resolution passed by your house some days since, calling upon the financial receiver of the State Bank, to report to the house 'how much Real Estate Bank paper has been sold by said bank since the adjournment of the last Legislature, and how the salaries of the financial receivers' and attorneys' have been paid; if in State Bank or Real Estate Bank paper; at what rate was such paper taken by them, and at what time was payment.' In response, to this resolution, the receiver would ask to submit the following statement:

In order to defray the expenses of the bank as directed by law, there has been sold by the bank, since the adjournment of the last Legislature, the sum of forty-five thousand six hundred and seventy-six dollars, in notes of the Real Estate Bank; the lowest price in specie for which any of this paper was sold was 25 cents, and the highest was 30 cents to the dollar, the price received, always corresponding with the market price at Little Rock at the time of sale. The salaries of the financial receiver's and attorney's have been paid in specie, except a very small portion of the above mentioned Real Estate paper, which was paid in one instance at 28 cents, and in another at 29 cents to the dollar. Payments have generally been made quarterly to the bank officers, and always at a date after the quarter salary fell due.

Although the above statement has been drawn up hastily, yet, as the receiver presumes that it contains a full and satisfactory answer to all the inquiries presented in your first resolution, he would here close his remarks, but for the fact that he has been informed that another resolution has been passed by your house, within the last few days, 'instructing the committee on banks' to make inquiry in relation to certain matters assumed to be connected with the condition and affairs of the State Bank. The financial receiver has not yet been called upon by the bank committee, to respond to the enquiries made in this last resolution, but through the politeness of your clerk, he has been permitted to examine its contents, and having understood that it was expected an answer would be made to your house; and being desirous to aid the Legislature in giving direction to the future policy of the State in relation to her banks, by presenting such information as may be desired, particularly such as may seem to refer to the business connected with his own agency in the matter, the financial receiver hopes to be indulged while he presents in this informal manner, such information as he possesses touching the subject matter of your last resolution.

For information in relation to the nonsuits taken upon $92,528 64; and the $5,958 90 said to be lost by pleas of limitation; as well also as the $9,070 54 said to be lost on various pleas. I refer you to the attorneys' of the bank, and particularly to the statements of Col. W. C. Bevens, attorney at Batesville, and L. R. Lincoln Esq., attorney at Little Rock, herewith presented.

This class of assets being in the hands of the attorneys, and controlled alone by them, it cannot be supposed that the financial receiver can know much about them. He would remark however, that so far as it regards the assets of the bank at Little Rock, the present financial receiver is not aware of any loss having accrued to the bank, since he has been receiver, of the character described, except some small amounts which I have no doubt will be explained by judge Lincoln; and every note which has been taken in renewal of debts since his first connection with the management of this bank is believed to be good.

The fourth question presented in your resolution is 'how it happened that the assets of said bank since 1846, have been reduced to $302,300, and the circulation has only been reduced to $33,212 00.' The financial receiver is disposed to take the most liberal view of the object of the author of that resolution, and therefore he takes it for granted that he meant to ask why it was that the assets had been reduced $302,300, below what they were in 1846, while the circulation had only been reduced $33,212.

In answer to this question, the receiver would remark that he is not aware that the assets of the bank have been reduced a single dollar beyond the amount drawn from the bank by the State Treasurer for State purposes, say about $———. It is true that the item of general expenses of the bank, for payments to bank officers, and other incidental expenses, would operate to reduce her assets to the amount of such expenses, but it is also true that the item of interest received in renewals and payments, and charged up to the proper parties, has made at least a corresponding advance in the amount of assets.

By reference to the report of the financial receiver, made to the Legislature of 1846, it will be seen that the assets of the State Bank and Branches, consisting of bills and notes, cash on hand, and Real Estate, amounted to $1,384,032, and by reference to the report of Capt. Patrick, made to the present legislature, it will be seen that the same character of assets for 1848, amounts to the sum of $1,456,851; making an increase in the assets of the bank since 1846, of the sum of $72,819. No doubt the true amount of the increase of assets would be explained, and made to differ from the amount here stated, if the accounts were brought up to the present period, and proper deductions were made for bank expenses &c. But taking it for granted, that the exhibits made by the branches from time to time are correct, I feel warranted in making the assertion that the amount of the assets of this bank has not been changed since 1846, except so far as they would necessarily be made to do so, by deducting on the one hand, the amount withdrawn from the bank by the State Treasurer, added to the amount paid out for the expenses of the bank; and by adding on the other hand, the amount realized from interest on notes, added to a few items which have been brought into the account of assets for 1848, and not presented in any of the former exhibits.

It is proper to remark, and this may possibly explain the matter enquired into, that there is now on hand at the different offices—most of it at Little Rock, some $280,000 of State Bank paper and State Bank Bonds, regarded as redeemed, but yet counted as assets, and when this money is cancelled and destroyed the assets will then be reduced that amount, but the liability of the bank will also be reduced the same amount.

The next enquiry in your resolution is, 'how it happened that the salaries of the officers have been paid in bank paper at 25 cents to the dollar, when its market value has been 30 cents to the dollar, &c.'

The financial receiver might refer you, for an example of this matter, to his former statement, in his communication, in answer to your 1st resolution. He there states that the bank officers were not paid in Arkansas paper, (except a small amount); that a portion of it was paid at 29 cents, and that 30 cents to the dollar was received for a portion of the paper. As it may probably be asked why it was that any portion of this bank paper was sold at 25 cents to the dollar; and why it was that 25 cents was the market price of Arkansas paper during a great portion of the period since 1846; the financial receiver presumes that a sufficient explanation will be found in the facts, that the last legislature, in the very same bill in which the salaries of the bank officers were required to be paid out of the assets of the bank, directed the printing of the acts and journals, &c., to be paid out of the sale of Real Estate Bank paper; that the former State Treasurer, in order to carry out this provision of law, drew from the bank, about the close of the year 1846, $6,000 of Real Estate Bank paper, and sold it in this market at 25 cents to the dollar. A day or two afterwards, the salary of the financial receiver fell due, and being compelled to take Arkansas paper or wait til the specie could be realised, he received his salary in Arkansas paper at 28 cents on the dollar; but finding it a dull article, and needing his money, he sold it again at a loss to himself of one cent on the dollar.

As the printing for the State progressed, and printer's bills fell due, the Treasurer continued to sell Arkansas paper at about 25 cents, until his sales for this purpose amounted to some $10,000. During the spring of 1847, the State Treasurer commenced selling large amounts of Arkansas paper in this market, to raise par funds for the rebuilding of the penitentiary; the amount for this purpose, mentioned in the Governor's message, being put upon this market for sale. Then, when it is recollected that it was always understood that the Real Estate Bank was selling Arkansas paper to pay her officers and expenses; and that the payment of all the State Bank officers and expenses of the bank, were directed by the legislature to be paid by the financial receiver, at Little Rock, out of assets of the bank; and that the sale of Real Estate Bank paper was the only reasonable means by which the money could be raised, it will readily be seen why the market price for Arkansas paper has generally been about 25 cents to the dollar. For the last few months, however, sales have been made at 30 cents.

The next and closing interrogatory in your resolution, presents the question, how it has happened that there is an outstanding and unexecuted contract for 44 bonds, amounting to $61,150, and by whom was said contract made, and what are the circumstances of the case, and how it has happened that such contract has been reported as assets of the bank.

In answer to the above, the financial receiver would remark that the contract for the 44 bonds alluded to, is not yet outstanding and unexecuted; it was presented in the report to Captain Patrick last May, and the arrangement has since been consummated, for the benefit of the bank, and the 44 bonds are now owned by and in possession of the bank, as part of her assets, having been received in exchange for so much Real Estate Bank paper.

It will be recollected that a large amount of Real Estate Bank paper has been received and held by the State Bank, for the last several years; and that a former legislature directed that said Real Estate paper should be exchanged by the financial receiver, whenever he could do so, for notes of the State Bank and branches, or bonds.

In order to carry out this wise policy of the State, and to advance, in every possible manner, the interests of the bank, the receiver has availed himself of every opportunity to exchange Real Estate paper for State Bank paper or bonds; and when a positive contract could not be effected, he never failed to make such a conditional one as he had reason to believe could be perfected at a future day; this was the case with these 44 bonds; they had been received in different lots, and were held by the bank last summer when Captain Patrick examined the banks; were counted by him, amounting, principal and interest, to $61,150, and represented as so much Real Estate Bank paper, belonging to the bank as assets. And when, it is noticed, as it is shown by the exhibits, that when the bank agent examined the bank, at Little Rock, last May, the receiver had on hand 125 bonds, including this 44, and also $85,680 in Real Estate paper; and again at the meeting of the present legislature, he had on hand 201 bonds, owned by the bank, and but $2,381 in Real Estate; it would seem to afford tolerably clear evidence, that this contract was no longer outstanding, but that the bonds were absolutely owned by the bank.

As evidence of the success of the present financial receiver, in exchanging Real Estate Bank paper for bonds, he would refer the House of Representatives to the fact, that at the meeting of the legislature in 1846, he had on hand $171,193 in Real Estate paper; that he has since received upwards of $140,000 of Real Estate paper; and that now he has on hand less than $2,500;* every dollar having been exchanged for bonds and State Bank paper, except what has been withdrawn by the Treasurer for State purposes, or paid out for bank expenses. And he would further remark in this connection, that when he came into this office, in 1845, not a single bond had been redeemed by the bank, and now he is able to show that since that time, upwards of $300,000 of bonds, counting principal and interest, have been taken in by the bank.

The financial receiver would take great pleasure in appearing before the committee on banks, and make any additional explanations that may be deemed necessary.

I have the honor to be,
most respectfully,
your obedient servant,
A. E. THORNTON,
Financial Receiver of the State Bank, at Little Rock.

Mr. Mitchell, from the committee on Enrolled Bills, made the following report:

Mr. President: the committee on Enrolled bills have examined an act to incorporate the Phillips and Monroe counties Turnpike Company.

Also, an act to extend the time of opening books of subscription of stock in the Batesvillee and [illegible] Francis Turnpike Company, and for other purposes.

Also, an act supplementary to an act passed at the present session of the General Assembly, for the purpose of distributing the internal improvement fund among the several counties of this State.

Also, an act supplementary to an act to incorporate the Arkansas Rail Road and Transportation Company; and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate that the Governor has approved and signed a bill entitled an act to facilitate the liquidation of the Bank of the State of Arkansas.

J. D. ADAMS, *Sec'y to Gov.*

Jan'y 9th, 1849.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the hall of the House of Representatives is now in readiness to receive the Senate, for the purpose of going into the election of a Financial Receiver for the State Bank at Little Rock, and an Attorney for the principal bank and each of its branches.

J. M. TEBBETTS, *Clerk*
of the House of Representatives

The Senate repaired to the hall of the House of Representatives, and being seated,

Mr. President announced that nominations for Financial Receiver of the State Bank were in order.

Whereupon, Mr. McClain nominated Abner E. Thornton.

Mr. Gould nominated Peter T. Crutchfield.

No other nominations being made, the rolls were called, when it appeared that Abner E. Thornton had received 27 joint votes.

Peter T. Crutchfield had received 29 joint votes.

John H. Crease had 7 joint votes.

John M. Ross had 8 joint votes.

James F. Fagan had 1 vote.

George W. Lemoyne had 2 votes.

Those Senators who voted for Abner E. Thornton, are Messrs. Clarke, McClain, and Williamson—3.

Those Senators who voted for Peter T. Crutchfild, are Messrs. Black, Dickson, Gould, Mayfield, Mitchell, Reyburn, Simpson, Watkins, Wilson, and Mr. President—10.

Those Senators who voted for John H. Crease, are Messrs. Burke and Underhill—2.

Those Senators who voted for John M. Ross, are Messrs. Chism, Flanagin, Maxwell, and McCamy—4.

None of the gentlemen voted for having received a majority of all the votes given, the speaker announced that there was no choice made.

Mr. Smith, of the House of Representatives, nominated John M. Ross.

Whereupon, the convention proceeded to ballot a second time.

The rolls were called, when it appeared that Abner E. Thornton had received 11 joint votes.

Peter T. Cruchfield had received 49 joint votes.

John M. Ross had received 49 joint votes.

John H. Crease had 1 vote.

Those Senators who voted for Abner E. Thornton, are Messrs. Clarke and McClain—2.

Those Senators who voted for Peter T. Crutchfield, are Messrs. Black, Dickson, Gould, Mayfield, Wilson, and Mr. President—6.

Those Senators who voted for John M. Ross, are Messrs. Burke, Chism, Flanagin, Maxwell, McCamy, Mitchell, Reyburn, Simpson, Underhill, Watkins, and Williamson—11.

Whereupon, the speaker announced that John M. Ross having received a majority of all the votes given, was duly elected Financial Receiver of the State Bank, at Little Rock, for and during the time drescribed by law.

Mr. President announced that nominations for Attorney of the principal Bank, at Little Rock, were in order.

Whereupon, Mr. Berry, of the House of Representatives, nominated D. W. Carroll.

No other nomination being made, the rolls were called, when it appeared that D. W. Carroll had 69 joint votes.

Mr. Murphy had 1 vote.

Mr. Tebbetts had 1 vote.

Those Senators who voted for D. W. Carroll, are Messrs. Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Maxwell, Mayfield, McCamy, McClain, Mitchell, Reyburn, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—19.

Whereupon, the speaker proclaimed that D. W. Carroll, having received a majority of all the votes given, was duly elected Attorney for the Bank of the State of Arkansas, at Little Rock, for and during the time prescribed by law.

Mr. President announced that nominations for Attorney of [illegible] branch of the bank of the State of Arkansas, at Arkansas, were [illegible] order.

Whereupon, Mr. Gould nominated M. W. Dorris.

No other nomination being made, the rolls were called, when it appeared that M. W. Dorris had received 69 joint votes.

John S. Houston had 1 vote.

Garett Greer had 1 vote.

Those Senators who voted for M. W. Dorris, are Messrs. Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Maxwell, Mayfield, McCamy, McClain, Mitchell, Reyburn, Simpson, Underhill, Watkins, Williamson, Wilson, and Mr. President—19.

Whereupon, the speaker proclaimed that M. W. Dorris, having received a majority of all the votes given, was duly elected Attorney of the branch of the Bank of the State of Arkansas, at Arkansas, for and during the time prescribed by law.

Mr. President announced that nominations for Attorney of the branch of the Bank of the State of Arkansas, at Batesville, were in order.

Whereupon, Mr. Howard, of the House of Representatives, nominated Milton B. Tutt.

Mr. Montgomery, of the House of Representatives, nominated Wm. C. Bevans.

Mr. Bumpass, of the House of Representatives, nominated R. W. Ellis.

No other nominations being made, the rolls were called, when it appeared that Milton B. Tutt had 18 joint votes.

W. C. Bevans had 40 joint votes.

R. W. Ellis had 13 joint votes.

Mr. Patterson had 1 vote.

Those Senators who voted for Milton B. Tutt, are Messrs. Clarke, Dickson, McClain, and Mitchell—4.

Those Senators who voted for Wm. C. Bevans, are Messrs. Black, Chism, Gould, Maxwell, Mayfield, McCamy, Reyburn, Underhill, Watkins, Wilson, and Mr. President—11.

Mr. Flanagin voted for Mr. Patterson.

Whereupon, the speaker proclaimed that Wm. C. Bevans, having received a majority of all the votes given, was duly elected Attorney of the branch of the Bank of the State of Arkansas, at Batesville, for and during the time prescribed by law.

Mr. President announced that nominations for Attorney of the branch of the Bank of the State of Arkansas, at Fayetteville, were in order.

Whereupon, Mr. Mitchell nominated Jonas M. Tebbetts.

No other nominations being made, the rolls were called, when it appeared that Jonas M. Tebbetts had received 67 joint votes.

Mr. Howard had 1 vote.

Mr. Thompson had 1 vote.

Mr. Logan had 1 vote.

Those Senators who voted for Jonas M. Tebbetts, are Messrs. Black, Burke, Chism, Clarke, Dickson, Flanagin, Gould, Maxwell, Mayfield, McCamy, McClain, Mitchell, Reyburn, Simpson, Underhill, Watkins, Wilson, and Mr. President—18.

Whereupon, the speaker proclaimed that Jonas M. Tebbetts, having received a majority of the votes given, was duly elected Attorney for the branch of the bank of the State of Arkansas, at Fayetteville, for and during the time prescribed by law.

Mr. Dye, of the House of Representatives, laid before the convention the following communication, accompanied by the muster roll of Capt. Porter's company.

Batesville, Ark's, Dec. 27th, 1848.

H. C. Dye, Esq.

Sir: Your letter of the 22d inst., informing me of the reception, on the part of the Legislature of Arkansas, of the flag of Capt. C. C. Danley's company, together with accompanying trophies, and the muster roll of the company; and also requesting of me a copy of the muster roll of the company which the gallant and lamented Porter and myself had the honor to command in the arduous and eventful campaign of Mexico, that it might also be presented to the Legislature, as well as placed in the archives of the State, has been received.

Nothing, sir, affords me greater pleasure than to comply with the request which you have so generously made of me. Not that any flattering notice might be made of me, but that justice might be done to him, who poured forth the life blood of his youthful heart, on the alter of his country's glory and honor, and to those brave soldiers of his, who now sleep their last sleep beneath the barren soil of Buena Vista's field. Our company has no banner wrought by delicate hands, to deposit in the archives of its State, but by its list of killed and wounded; and from those who died from disease, incured beneath the burning rays of Mexico's sun. I hope it has something more enduring, there collection of a greatful country, and the truthful and impartial page of that country's bright and glorious history. It was the fate of our standard bearer (I mean the gallant and faithful corporal Saunders) to loose the flag, in the desparate encounter of our regiment with the brigade of Mexican cavalry, but he only yielded it up with his life, having received no fewer than seventeen lance wounds in his body.

I am much pleased to hear that the Legislature is about appropriating means for the purpose of erecting a monument to the memory of the chivalrous and lamented Yell, and the brave soldiers who fell with their Colonel.

It will not only be paying a tribute of respect and gratitude to their memories, but it will stimulate after generations to emulate their glorious deeds, and keep a live within every American's bosom that flame of patriotism and love of military glory, which is so characteristic of us as a Nation.

I have herewith forwarded to you a copy of the original muster roll of company D, as the company was received in the regiment. I have furnished a complete list of all the original members of the company, mentioning those who were killed in battle, who died of sickness, who were discharged on account of sickness, &c., who were taken prisoners, and who were wounded in battle.

I did not have a printed blank form for rolls, as used in the army and consequently had to make the list out on foolscap paper, which I presume will answer; it is only shown who were in the company, and the casualities that attended it. I have, also, put down the ages of the officers and men. You will perceive that the most of of them, were quite young, there being but — middle aged men in the company. You will, therefore, receive the roll, and do what you think best in the matter.

With sentiments of esteem, I remain, with much respect, your obedient servant,

F. W. DESHA.

H. C. Dye., Esq., Representative from Independence.

Which was read, by the secretary of the Senate.

On motion of Mr. Clarke, it was ordered to be placed on the journals of each house, and filed with the roll of the company in the archives of the State.

The Senate returned to their chamber.

Message from the House of Representatives by the clerk:

Mr. President—I have the honor to inform your honorable body, that the House of Representatives have assented to Senate bill No. 126, entitled an act to further define the duties of the State Land Agent.

Also, to Senate bill, No. 113, entitled an act concerning the Reports of the Supreme Court.

Also, to Senate bill, No. 84, entitled an act directing the Secretary of State to distribute the Acts and Journals of the General Assembly among the several counties.

Also, Senate bill, No. 129, to be entitled an act supplemental to an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas by the United States for purposes of internal improvement.

Also, to Senate bill, No. 123, entitled an act further to prescribe the duties of the Land Attorney and State Collector.

Also, to Senate bill, No. 123, entitled an act for the relief of the keeper of the Penitentiary, with an amendment thereto.

In which the concurrence of the Senate is respectfully asked.

All of which are herewith returned.

The House of Representatives have passed a bill, No. 157, entitled an act to provide for the repair and protection of the State House.

To which the assent of your honorable body is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The amendment of the House to the bill of the Senate, entitled an act to reimburse the present keeper of the Penitentiary for money and labor expended by him for the benefit of the State, that were not required of him by his present contract.

Was read and concurred in [illegible]y the Senate.

On motion of Mr. Flanagin, the Senate adjourned.

R. C. BYRD, *President*
of the Senate.

Wednesday, Jan. 10, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Green.

Mr. President ordered a call of the Senate; the roll being called, 16 Senators answered to their names.

The journal of yesterday was read and approved.

Mr. Mitchell, from the committee on enrolled bills made the following report:

Mr. President: The committee on enrolled bills, have examined an act supplemental to an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas by the United States for purposes of internal improvement.

Also an act to reimburse the present keeper of the penitentiary for money and labor expended by him for the benefit of the State that were not required of him by the present contract.

Also, an act directing the Secretary of State to distribute the Acts and Journals of the General Assembly among the several counties.

Also, an act concerning the reports of the supreme court.

Also, an act further to prescribes the duties of land attorney and State collector.

Also, an act further to define the duties of the State land agent.

And find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr. Gould introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the Governor be requested to call upon M. W. Dorris Esq. for a deed to the State, for a lot of ground on which the banking house at Arkansas Post is situated, and that said Dorris be authorized to retain out of any moneys, in good funds, which he may collect as attorney for the bank, a sum sufficient to cover the amount paid by him on execution for the functions of such banking house.

Was read a first time.

On motion of Mr. Gould, the rules of the Senate were dispensed with, and the resolution read a second time.

Mr. Flanagin offered the following amendment:

Strike out all after 'situated' and insert 'and a sufficient sum is hereby appropriated to pay said Dorris the amount which he paid for said banking house, together with six per cent thereon until there shall be money to pay said sum in the treasury and the sum so appropriated should be paid on the order of the Governor.

Which amendment was read and adopted, and the resolution, as amended, read a third time, passed, and transmitted to the House of Representatives for their concurrence.

Message from the House of Representatives by the clerk.

Mr. President: I have the honor to present for your honor's signature, an act to incorporate the Van Buren and Fayetteville Turnpike company.

Also, an act to incorporate the South-western and Arkansas Mining Company.

Also, an act to provide for the repair and protection of the State House.

Also, a joint resolution requesting the Governor to retain the services of Hon. Wm. K. Sebastian.

An act for the relief of Tho's B. Baker, of Randolph county.

Also, an act to authorize the several counties of this State, to order and enforce the construction of Levees.

Also, a memorial to Congress asking for educational purposes the one-tenth of all the unappropriated lands to be disposed of and used in such manner as the Legislature of each State may deem best.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Gould moved to adopt the bank report, but at the suggestion of Mr. McClain, withdrew his motion.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a bill entitled an act further to define the duties of the State land agent.

Also, an act further to prescribe the duties of Land Attorney and State Collector.

Also, an act concerning the Reports of the Supreme Court.

Also, an act directing the Secretary of State to distribute the Acts and Journals of this General Assembly among the several counties of this State.

Also, an act to reimburse the present keeper of the pentitentiary for money and labor expended by him for the benefit of the State, that were not required of him by his present contract.

Also, an act supplemental to an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas by the United States for purposes of internal improvement.

Also, an act supplementary to an act passed at the present session of the General Assembly, for the purpose of distributing the internal improvement fund among the several counties of this State.

Also, an act supplementary to an act to distribute the 500,000 acres of land donated to the State of Arkansas for internal improvements, passed at the present session of the General Assembly of the State of Arkansas.

Also, an act to incorporate the Phillips and Monroe counties Turnpike Company.

Also, an act to extend the time of opening books of subscription for stock in the Batesville and St. Francis Turnpike Company, and for other purposes.

Also, an act supplementary to an act to incorporate the Arkansas Rail Road and Transportation Company.

Also, an act to incorporate the Pine Bluff and Hot Spring Turnpike Company.

JOHN D. ADAMS,
Private Sec'y to the Governor,

Jan'y 10th, 1849.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate, to pay M. W. Dorris for the banking house at Arkansas Post.

Which is herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives, by the clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have concurred in the amendment of the Senate to House bill No. 182, entitled an act to amend the charter bill of the city of Little Rock.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day examined a resolution requesting the Governor to call upon M. W. Dorris Esq., for a deed to the State for a of lot ground on which the banking house at Arkansas Post is situated, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your Hon. body, that the House of Representatives, have concurred in the Senate's amendment, striking out the 21st section.

The House refuse to concur in Senates amendment striking out the 22d section.

And also, refuse to concur in Senate's amendment to section 27.

The House also refuse to concur in Senate's amendment to section 33.

The House concurred in Senate's amendment to section 38.

And also concur in Senate's amendment to section 41.

The House refuse to concur in Senate's amendment to sec. 47.

The House have concurred in Senate's amendment to section 48, with an amendment thereto, to which the concurrence of the Senate is respectfully asked.

The House have concurred in Senate's amendment, striking out section 53.

The House have concurred in the amendments of the Senate, adding additional sections 55 and 57; and concurred in Senate's amendment, adding by way of additional section 56, with an amendment, to which the concurrence of the Senate is respectfully asked.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

The bill making appropriations for the years 1849 and 1850, was taken up.

The amendment of the Senate to the 22d section, was adhered to by the Senate.

The amendment of the Seuate to the 27th section was read.

Mr. McCamy moved that the Senate adhere to it.

Which motion was lost.

The Senate then receded from their amendment.

The Senate receded from their amendment to the 33d section.

The Senate refused to recede from their amendment to the 47th section.

The Senate concurred in the amendments of the House to sections 48 and 58.

On motion of Mr. Maxwell, a committee of conference was appointed, on part of the Senate to confer with such committee as may be appointed by the House on the disagreement between the two houses to the amendments of the Senate to sections 22 and 47.

The chair appointed Messrs. Maxwell, McCamy and Flanagin, said committee, and the House of Representatives informed thereof.

Mr. Flanagin introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested to use their best exertions to procure the continuance of the office of the Surveyor General of this State until all the business in said office shall be finally closed.

Which resolution was read and adopted, and the House of Representatives informed thereof.

On motion of Mr. Gould, the vote taken on concurring in the amendment of the Senate to section 48 of the appropriation bill, was reconsidered.

Mr. Gould offered to amend the House amendment as follows:

To pay W. W. Stevenson for services as inspector of the penitentiary for five years $250 00.

To pay S. J. Bennett for similar services for two years $100 00.

To pay Jno. Adamson for similar services for two years $100 00.

Mr. Gould at the same time presented the following communication from the Governor, as a voucher for introducing the amendment:

Executive Office,
Little Rock, January 10th, 1849.

I certify that the duties of inspectors for the State Prison, have, during the whole term of my administration been attended with much trouble, and of great inconvenience to the gentlemen holding such appointments, and that the sum of fifty dollars per annum for each, while in service is a reasonable compensation.

And notwithstanding the law has no provision for the payment of a salary for these officers, it was not supposed that, in the discharge of extraordinary services, such as devolved upon them in 1846, and subsequently, together with the responsibilities attending the same, the Legislature in their justice would refuse them a fair remuneration.

THOS. S. DREW.

The amendment offered by Mr. Gould was read.

The question being on its adoption, Mr. Flanagin called for the yeas and nays, which being ordered, were yeas 6, nays 9.

Yeas, Messrs. Chism, Gould, Maxwell, Reyburn, Wilson, and Mr. President—6.

Nays, Messrs. Black, Burke, Dickson, Flanagin, McCamy, McClain, Mitchell, Simpson, and Underhill—9.

So the amendment was lost.

The bill was then returned to the House of Representatives

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have concurred in the resolution of the Senate, in relation to the continuation of the Surveyor General's office in this Stete.

Which is herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by their clerk.

Mr. President—I am instructed to inform your honorable body that the House of Representatives have concurred in Senate bill No. 165, to be entitled an act for the relief of James Clark, sheriff of Drew county.

J. M. TEBBETTS, *Clerk*
of the House of Representatves.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day examined a resolution respecting the Surveyor General's office, and find the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr. Maxwell made the following report:

Mr. President: The committee of conference to whom was referred the amendments made to the appropriation bill for the years 1849 and 1850; viz: amendments to sections 22 and 47 of said bill, have had the same under consideration, and have instructed me to report that they recommend the Senate to adhere to both of said amendments.

D. MAXWELL.

Which report was read and adopted.

Message from the House of Representatives by the clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate requiring the agent to be appointed by the Governor to receive the assets of the branches of the State Bank, requiring him to sell the furniture belonging to said branches.

Which is herewith returned.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have adopted the report of the committee of conference upon the appropriation bill, respecting the amendments of the Senate to sections 22 and 47, recommending the adoption of said amendment.

Message from the House of Representatives by the clerk.

Mr. President: I am instructed to inform your honorable body that the House of Representatives have asented to Senate bill No. 132, entitled an act concerning elections.

Which is herewith returned.

J. M TEBBETTS, *Clerk*
of the House of Representatives.

Mr. Watkins, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day examined an act concerning elections.

Also, a resolution requiring the bank agent to sell the furniture belonging to the branches, and find the same correctly enrolled.

WATKINS.

Mr. Watkins, from the committee on enrolled bills, made the following report:

Mr. President: The committee on enrolled bills have this day handed to the Governor for his approval, an act concerning elections.

Also, a resolution requiring the bank agent to sell the furniture belonging to the branches.

WATKINS.

Message from the Governor, by John D. Adams, Esq., his private secretary:

Mr. President: I am directed to report to the Senate, that the Governor has approved and signed a resolution requesting the Governor to call upon M. W. Dorris Esq., for a deed to the State for a lot of ground on which banking house at Arkansas Post, is situtated.

Also, a resolution requesting our delegation in Congress to use their exertions to procure the continuance of the office of Surveyor General in this State until all the business in said office shall be finally closed.

Also, a resolution authorizing the bank agent to receive the assets of the branches of the Bank of the State of Arkansas, and sell at public auction at the respective banking houses of such branches, or at such other places as he may deem advisable. all the furniture and other moveable property of said branches.

Also, an act in relation to elections.

JNO. D. ADAMS, *Sec'y to the Gov.*

Jan'y 10th, 1849.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. 131, to be entitled an act in relation to the penitentiary house of this State, with several amendments thereto.

Which is herewith transmitted for the assent of the Senate.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

On motion of Mr. Gould, the two amendments of the House of Representatives to Senate bill No. 131, entitled an act in relation to the penitentiary house of this State.

Was read and concurred in by the Senate.

Message from the House of Representatives by the clerk:

Mr. President: I am instructed to inform your honorable body that the House of Representatives have passed the following resolution:

Resolved, That a committee be appointed by the House of Representatives to act in conjunction with such committee as may be appointed on the part of the Senate, whose duty it shall be to wait on the Governor and inform him that this General Assembly have to adjourn *sine die* on this day, unless he have some further communication to make, which may necessarily prolong their session.

In which the concurrence of the Senate is respectfully asked.

The committee on the part of the House are, Messrs. Mitchell, Berry and Deeds.

J. M. TEBBETTS, *Clerk*
of the House of Representatives.

Mr. McClain introduced the following resolution:

Resolved, That the Hon. R. C. BYRD, for the able, dignified and impartial manner, with which he has presided over the deliberations of the Senate justly entitles him to the thanks of the same, which are hereby cordially tendered him.

Which was read and unanimously adopted.

Mr. Mitchell introduced the following resolution:

Resolved, That the thanks of the Senate are due, and hereby tendered Hon. J. Gould, President pro. tem., for the courteous and dignified manner in which he has presided over this body as President pro. tem.

Which was read and unanimously adopted.

Mr. Flanagin introduced the following resolution:

Resolved, That the thanks of the Senate are hereby given to the secretary, assistant secretary, and sergeant-at-arms, for their faithful and efficient manner in which they have performed their duties.

Which was read and unanimously adopted.

Mr. Mitchell made the following report:

Mr. President: The committee on enrolled bills have examined an act in relation to the penitentiary of this State, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Message from the House of Representatives by the clerk:

Mr. President: I present for your honor's signature a bill entitled an act making appropriations for the years 1849 and 1850, and part of the year 1848, and for balances due from the State.

J. M. TEBBETTS, *Clerk*
of the House of Representatives

Mr. Wilson introduced the following resolution:

Resolved, That the thanks of the Senate are respectfully tendered to our worthy and much esteemed chaplian, the Rev. J. F. Green, for the able and efficient manner in which he has discharged the duties imposed upon him by the Senate.

Which was read and unanimously adopted.

On motion of Mr. Flanagin, the Senate took a recess until eight o'clock, P. M.

At 8 o'clock, P. M., the Senate convened.

His Excellency, Thos. S. Drew appeared within the bar of the Senate, and read his resignation of the office of Governor of the State of Arkansas, as follows:

EXECUTIVE OFFICE,
Little Rock, Arkansas,
10th Jan., at 8 o'clock P. M., A. D. 1849.

The Honorable Rich. C. Byrd, President of the Senate:

SIR: In accordance with a communication previously made, I hereby tender to you, before the adjournment of the two houses of the General Assembly, my resignation of the office of Chief Magistrate of the State of Arkansas, which I desire shall be placed on the journals of the Senate before its final adjournment; with the reasons which may seem to be required by a confiding constituency, who so recently, by an overwhelming, and in some counties unanimous vote, had re-elected me to that office, after serving them, (unsolicited on my part), for the constitutional term of four years, ending on the 15th of last November.

Before the term for which I was first elected had expired, and when several gentlemen were spoken of as probable aspirants for a nomination by the democratic party, as candidates to succeed me, a warfare had sprung up, and waged by democrats and democratic papers in the State, more against me individually, perhaps, than against the course of my administration; yet, it too, was arraigned, and frequently denounced; still I was willing to leave my acts to the good sense of the community, which I believed would explain themselves, in due season, rather than waste my limited fortune, and deprive me of the ability to support and educate a large young family. The overweaning anxiety of friends, however, who believed they could do much, and who, no doubt, then intended to move in the matter, pledged me that every exertion should be made, to raise my salary before the second term commenced, to a point sufficient, at least, to pay my expenses, with my family, at the seat of government, where the constitution of the State makes it imperious for the Executive to reside. The failure to do which, or any attempt, by those who had previously manifested so much interest in regard to this subject, placed me at once, when I found the time had elapsed, in which it was possible, to effect any thing of the kind, for my relief, under the prohibitions of the State constitution; under this necessity, the ceremonies of the inauguration were but just over, when the determination was taken to resign, which I now do, the office of Governor of the State of Arkansas.

I am aware that other motives are being assigned by many, and that my resignation proceeds from a bad spirit, in the moment of disappointment, that such an impression should prevail among members of either branch of this Legislature, is to me remarkable; true, the unaccountable attitude in which I was afterwards placed by the acts of others, in the Senatorial election, without my knowledge or consent, was well calculated to admonish me, that I had not been surrounded entirely by friends, and that it was not impossible to be placed in a rediculous attitude before the public, without any participation of my own. And in order to correct, forever, this rong impression, and to satisfy those who have so kindly supported me for every office for which I have ever been a candidate, that I retire altogether free from feelings of disappointment, and with the kindest, heartfelt, good feelings towards the people of the State and their representatives, I have thought proper to assign these reasons. I was no candidate for the United States Senate; nor had I intended so to be, in case either of those who were prominent, Col. Sevier or Major Borland could not succeed—as upon a former occasion, the support of 18 members, of a different candidate, had prevented an election for 3 or 4 days.

My name was not only used without my consent, but when I was nominated I hastened to have it withdrawn, which was promptly done, immediately after the voting commenced, and for the purpose of placing this matter forever at rest, I now declare and I challenge a contradiction to the assertion, that I never asked the support of a single member of this Legislature for that station, in any instance, except I may have been so understood when I handed a written statement or proposition to a member of the Senate, and perhaps to a member of the House of Representatives, proposing a caucus after it should be ascertained that no election could be made during the Tuesday upon which Major Borland was afterwards elected for a six years term, to the U. S. Senate: with a pledge, on my part, that my name should not be used on that day as a candidate.

With sentiments of profound respect,

I am yours,

THO'S S. DREW.

On motion of Mr. Clarke, the communication of the Governor was ordered to be spread upon the journal of the Senate.

Mr. Gould, President pro tem., was called to the chair.

Mr. Mitchell was called to the chair.

Mr. Gould moved to adopt the report made by the joint committee on Banks.

Upon calling the roll of the Senate, it apeared that there were only 13 Senators present, and the question on Mr. Gould's motion could not be put.

Mr. President pro tem. resumed the chair.

On motion of Mr. Clarke, Hon. Thomas Johnson, Chief Justice of the Supreme Court, was invited within the bar of the Senate, to administer the oath of office to Hon. Richard C. Byrd, who, by virtue of his office as President of the Senate, is now Governor of the State of Arkansas, to fill the vacancy occasioned by the resignation of His Excellency, Thomas S. Drew.

Previous to taking the oath of office as Governor, Mr. President returned his thanks to the Senate, in a short and appropriate address, for the flattering manner in which the members thereof thanked him "for the impartial. able, and dignified manner with which he had presided over the deliberations of the Senate.

The oath of office, as Governor, was then administered to Hon. Richard C. Byrd, by Hon. Thomas Johnson, Chief Justice of the Supreme Court.

Mr. President pro tem. returned his thanks to the Senate in a short and appropriate address, for the thanks tendered him by the adoption of the resolution introduced this morning by Mr. Mitchell.

Rev. Mr. Green, chaplain of the Senate, being invited, closed the session of the Senate with prayer.

On motion of Mr. Dickson, the Senate adjourned *sine die.*

J. GOULD, *President pro tem.*
of the Senate.

JOHN M. ROSS, *Secretary of the Senate.*

February 7th, 1849.

I, John M. Ross, Secretary of the Senate of the State of Arkansas, do hereby certify that the foregoing copy of the Journal of the Senate is correct.

JOHN M. ROSS,
Secretary of the Senate.